

**BITTERROOT VIEWS II  
FIVE-LOT MINOR SUBDIVISION**

**STAFF REPORT FOR BOARD OF COUNTY COMMISSIONERS**

**CASE PLANNER:** Tristan Riddell *TR*

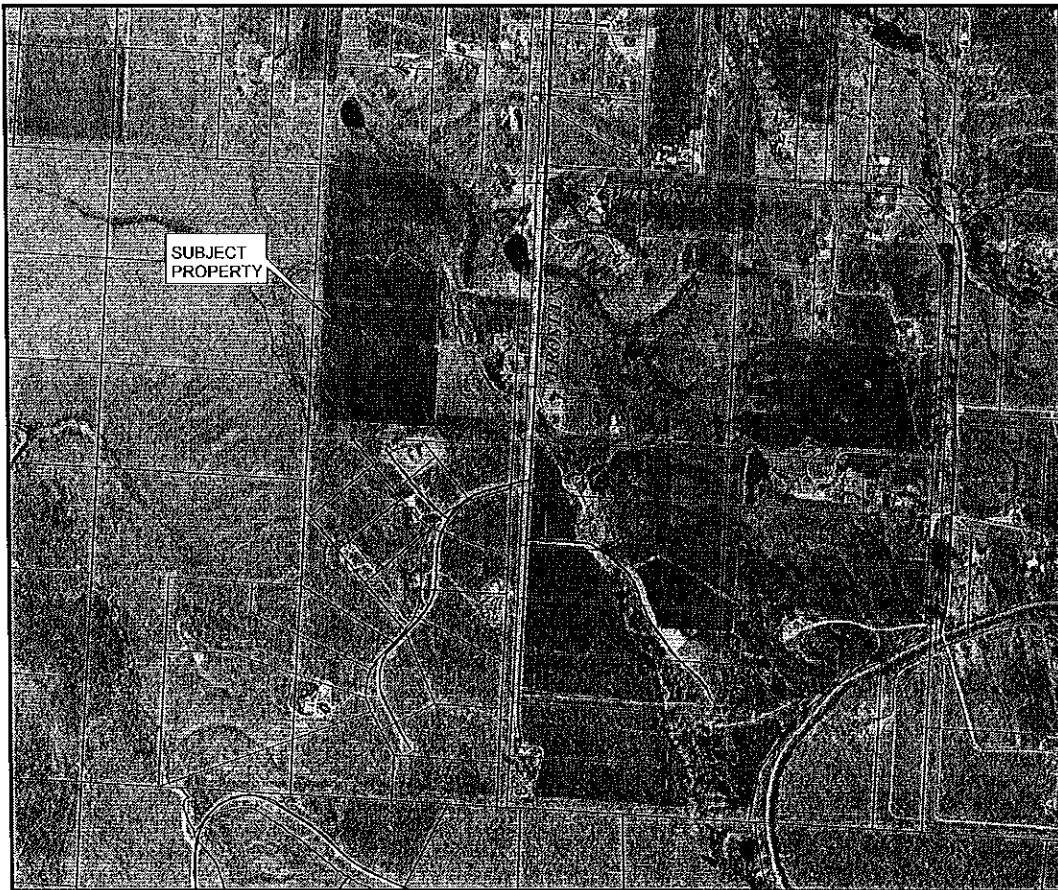
**REVIEWED/  
APPROVED BY:** Randy Fifrick *RF*

**PUBLIC MEETINGS:** BCC Public Meeting: 9:00 a.m. March 19, 2009  
Deadline for BCC action (60 working days): April 3, 2009

**SUBDIVIDER:** Robert Meldrum  
533 Diamond 3<sup>rd</sup>  
Corvallis, MT 59828

**REPRESENTATIVE:** Pioneer Surveying  
PO Box 8484  
Missoula, MT 59807

**LOCATION OF REQUEST:** The property is located southeast of Corvallis.



**Map 1: Location Map**  
(Source Data: Ravalli County GIS Department)

**LEGAL DESCRIPTION  
OF PROPERTY:**

NW ¼ of Section 4, T6N, R20W, P.M.M., Ravalli County, Montana.

**APPLICATION  
INFORMATION:**

The subdivision application was deemed sufficient on February 12, 2009. Agencies were notified of the subdivision on August 12, 2008 and February 26, 2009. Comments received from agencies are Exhibits A-1 through A-14 of the staff report. **This subdivision is being reviewed under the Ravalli County Subdivision Regulations (RCSR) amended May 24, 2007.**

**LEGAL NOTIFICATION:**

Notice of the project was posted on the property and adjacent property owners were notified by certified mail dated February 26, 2009. Public comment is included as Exhibit B-1.

**DEVELOPMENT  
PATTERN:**

Subject property:	Vacant
North:	Agricultural
South:	Residential
East:	Residential
West:	Agricultural

**INTRODUCTION**

Bitterroot Views II is a five-lot minor subdivision proposed on 25.0 acres located southeast of Corvallis. All lots are proposed for single-family residential use.

*Staff recommends conditional approval of the subdivision proposal.*

RAVALLI COUNTY BOARD OF COMMISSIONERS

MARCH 19, 2009

BITTERROOT VIEWS II  
FIVE-LOT MINOR SUBDIVISION

**PLANNING STAFF RECOMMENDED MOTION**

That the Bitterroot Views II Minor Subdivision be **approved**, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report. (*Staff Note: Prior to making a decision on the subdivision, the BCC must determine the appropriate parkland dedication.*)

**PLANNING STAFF RECOMMENDED CONDITIONS**

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below shall be included in the submittal of the final plat to the Planning Department and filed with the final plat:

**Notification of Proximity to Agricultural Operations.** This subdivision is located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Agriculture*)

**Notification of Irrigation Facilities and Easements.** Within this subdivision there are irrigation easements, as shown on the final plat. All downstream water users have the right to maintain and repair their irrigation facilities whenever necessary to keep them in good condition. Activities associated with the maintenance of irrigation facilities may include the operation of heavy equipment, the occasional burning of ditch vegetation, and the use of herbicides. Bitterroot Irrigation District (BRID) must approve any relocation or alteration (e.g. installation of a culvert) of the irrigation infrastructure, including canals, ditches, and pipelines. Any act that damages or destroys a ditch, interferes with its operation or maintenance in any way, or restricts access to the ditch so as to interfere with its maintenance, which includes but is not limited to the placement of structures or the planting of vegetation other than grass, is expressly prohibited. (*Section 3-2-8(a) and Section 3-2-8(b)(v)(B), RCSR, Effects on Agricultural Water User Facilities*)

**Notification of Proximity to Natural Drainage (Cow Creek).** A natural drainage/intermittent stream, Cow Creek, traverses the subject property. There is an inherent hazard associated with creeks, due to potential soil erosion, flooding and movement of the creek channel. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Public Health & Safety*)

**Notification of "very limited" Soils.** Within this subdivision there are areas of the property identified as potentially having soils rated as "very limited" for building sites. The approximate locations of these areas can be found on a reduced copy of the final plat and descriptions of the "very limited" soils in question are included as exhibits to this document [*the applicant shall include the reduced plat and exhibits as attachments*]. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Public Health & Safety*)

**Notification of Road Maintenance Agreement.** The internal subdivision road is not maintained by Ravalli County, the State of Montana, or any other governmental entity. Neither the County nor the State assumes any liability for lacking or improper maintenance. A road maintenance agreement for the road was filed with this subdivision and outlines which parties are responsible for maintenance and under what conditions. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services*)

**Notification regarding Wood Stoves.** The County recommends that home owners refrain from installing wood stoves if possible. The County further recommends that wood and other biomass burning stoves not be used as the primary heat source. If a homeowner chooses to burn wood as a back-up heat source, the County strongly encourages them to install an EPA-certified wood stove as the best option to reduce air pollution and more specifically, to install an EPA-certified pellet stove. More information on low emission, EPA-certified wood stoves is available at <http://www.epa.gov/woodstoves/index.html>. The State of Montana offers an Alternative Energy Systems Tax Credit to offset the cost of purchasing and installing a low emission wood or biomass combustion device such as a pellet or wood stove. Besides the tax credit for qualifying wood stoves, individual Montana residents can claim a tax credit for energy conservation investments made to a home or other building. For more information on the energy conservation tax credits and ways to save energy, please see the *Warm Hearts, Warm Homes* webpage (<http://deq.mt.gov/Energy/warmhomes/index.asp>) on the Montana Department of Environmental Quality's website. (*Section 3-2-8(b)(v)(B), RCSR, Effects on the Natural Environment*)

**Notification regarding Lighting for New Construction.** To promote public health and safety, reduce energy consumption, and reduce impacts to nocturnal wildlife, full cut-off lighting is recommended for any new construction within this subdivision. A full cut-off fixture means a fixture, as installed, that is designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light is emitted. The source of light should be fully shielded on the top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. For more information, visit [www.darksky.org](http://www.darksky.org). (*Section 3-2-8(b)(v)(B), RCSR, Effects on the Natural Environment and Public Health & Safety*)

**Notification of Radon Exposure.** The owner understands and accepts the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. Property owners are encouraged to have their structures tested for radon. Contact the Ravalli County Environmental Health Department for further information. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Public Health & Safety*)

2. Protective covenants for this subdivision shall be submitted with the final plat that include the following provisions:

**Living with Wildlife.** Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the occasional presence of wildlife such as deer, elk, black bear, mountain lion, wolf, coyote, fox, skunk, raccoon and magpie. Each lot owner shall obtain or be provided and read a copy of the brochure "Living with wildlife," available from the Montana Fish, Wildlife & Parks office in Missoula for brochures that can help homeowners "live with wildlife." Alternatively, see FWP's web site at [www.fwp.mt.gov](http://www.fwp.mt.gov). (*Section 3-2-8(b)(v), RCSR, Effects on Agriculture, Natural Environment, and Wildlife & Wildlife Habitat*)

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. There is high potential for **vegetation damage by wildlife, particularly from deer** feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision.

Homeowners must be aware of this potential damage. They should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Homeowners should consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.

- b. **Gardens, fruit trees or orchards** are a major wildlife attractant, and fruit-bearing trees and shrubs can regularly attract bears in the fall. Keep produce and fruit picked and off the ground, because ripe or rotting fruit or vegetable material can attract bears, skunks and other wildlife. Gardens should be fenced with one-foot of fencing material below ground level and be at least eight feet in height, in order to discourage wildlife such as deer from feeding in gardens. The top rail should be made of something other than wire to prevent wildlife from entanglement. Netting over gardens can help deter birds from eating berries.
- c. If stored outdoors, **garbage** should be in secure bear-resistant containers; otherwise it should be stored indoors prior to curbside pick-up or transport to a centralized garbage collection site, in order to avoid attracting wildlife such as bears and raccoon. If curbside garbage pick-up is available, garbage cans may not be set out until the morning of garbage pickup and must be brought in no later than that same evening.
- d. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in "an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that deer might occasionally attract mountain lions to the area.
- e. **Birdseed** is an attractant to bears. If used, bird feeders must: a) be suspended a minimum of 15 feet above ground level, b) be at least 4 feet from any support poles or points, and c) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- f. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the immediate control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124). Keeping pets confined also helps protect them from predatory wildlife.
- g. **Pet food and livestock feed** must be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting wildlife such as bears, mountain lions, skunks, raccoons, and other wildlife. **When feeding pets and/or livestock** do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.
- h. **Barbecue grills** should be stored indoors, and permanent outdoor barbecue grills are discouraged. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife.
- i. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer becoming entangled in the fence or injuring themselves when trying to jump the fence. We encourage the use of split rail fences.
- j. **Compost piles** can attract skunks and bears and should be avoided. If used they should be kept indoors or built to be wildlife-resistant. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Kitchen scraps could be

composted indoors in a worm box with minimum odor and the finished compost can later be added to garden soil.)

- k. **Apiaries (bee hives)** could attract bears in this area and should be avoided. (If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.)

**Riparian Use Guidelines for Cow Creek.** Cow Creek runs southeast to northwest through the Common Area. On each side of this drainage is a 50-foot no-build/alteration zone, which is depicted on the plat. Within this no-build/alteration zone, no building or alteration is allowed. The purpose is to encourage development of site-appropriate native vegetation (including shrubs and trees) while not allowing actions such as building or grading; planting and irrigating lawns; or mowing, cutting, or clearing vegetation. This would help preserve the functionality of this natural drainage, protect and improve wetland vegetation, enhance slope stability, and protect property from eroding banks and possible flooding. Additionally, there is a 25-foot no-build zone extending outward from the 50-foot no-build/alteration zone, where normal activities are allowed with the exception of construction of permanent structures.

The following covenants, designed to guide use of Cow Creek and its no-build zones shall apply:

- a. No new building or alteration is allowed in the 50-foot no-build/alteration zone and normal activities excluding construction of a permanent structure is allowed within the 25-foot no-build zone.
- b. Only non-motorized access and use of the zones is allowed (except for certain maintenance needs such as weed spraying).
- c. Do not cut or remove live or dead vegetation, particularly shrubs and trees from the no-build/alteration zone. Wood (i.e., fallen branches, downed trees) is an important part of fish habitat and contributes significantly to overall stream health. Wood regularly causes bed scour that creates pools where fish reside to feed and seek cover. Wood also stores sediment that is used for spawning. Dead trees also function as important wildlife nesting habitat. Exception: proper use of chemicals or other methods of control (other than mowing) for noxious weeds is allowed, and planting appropriate native riparian vegetation (trees, shrubs) is allowed.
- d. Do not plant lawns within the no-build/alteration zones, and do not include the drainage in corrals. Use fences to keep livestock from trampling and grazing riparian vegetation in the zones.
- e. In summary, allow riparian areas (Cow Creek and its no-build/alteration zones) to remain undisturbed. Do not modify them unless such change would help return the area to a natural state.

**No-Build/Alteration Zone and No-Build Zone.** Within this subdivision there is a 50-foot no-build/alteration zone, as shown on the plat. No new structure may be constructed in this area. No new utilities may be constructed in this area. No fill may be placed in this area and the vegetation shall be retained in its natural condition. New roads, trails, and utility crossings through this area are not permitted. The proper use of chemicals or other methods of control (other than mowing) for noxious weeds is allowed, and planting appropriate native vegetation (trees, shrubs) is also allowed. There is also a 25-foot no-build zone, as shown on the plat. No new permanent structure may be constructed in this area. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Natural Environment*)

**Control of Noxious Weeds.** A weed control plan has been filed in conjunction with this subdivision. Lot owners shall control the growth of noxious weeds on their respective lot(s). Contact the Ravalli County Weed District for further information. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Agriculture and Natural Environment*)

**Required Posting of County-Issued Addresses for Lots within this Subdivision.** The Corvallis Rural Fire District has adopted the Fire Protection Standards, which require lot owners to post County-issued addresses at the intersection of the driveway leading to each residence and the road providing access to the lot as soon as construction on the residence begins. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)

**Access Requirements for Lots within this Subdivision.** The Ravalli County Fire Council, which includes the Corvallis Rural Fire District, has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Corvallis Rural Fire District for further information. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)

**Archeological Resources.** If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the State Historic Preservation Office shall be contacted to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate. (*Section 3-2-8(b)(v), RCSR, Effects on Natural Environment*)

**Amendment.** Written governing body approval shall be required for amendments to provisions of the covenants that were required to be included as a condition of subdivision approval. (*Section 3-2-8(b)(v), RCSR, Effects on all six criteria*)

3. The subdividers shall include an RSID/SID waiver in a notarized document filed with subdivision plat that states the following: Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision including related right-of-way, drainage structures, and traffic control signs. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)
4. The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued address for all lots. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)
5. Prior to final plat approval, the subdividers shall provide a letter from the Corvallis Rural Fire District stating that the subdividers have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for each lot. Alternatively, the subdividers may provide evidence that a \$900 per lot contribution has been submitted to the Corvallis Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)
6. The following statement shall be shown on the final plat: "The All Valley Fire Council, which includes the Corvallis Rural Fire District, has adopted Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed

travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Corvallis Rural Fire District for further information". (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)

7. The subdivider shall negotiate adequate mitigation with the BCC to alleviate impacts of the subdivision on the Corvallis School District. The subdivider shall ensure that the decided upon mitigation has been implemented prior to final plat approval. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services*)
8. The subdivider shall negotiate adequate mitigation with the BCC to alleviate impacts of the subdivision on Public Safety Services (Sheriff, E-911, OEM). The subdivider shall ensure that the decided upon mitigation has been implemented prior to final plat approval. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services and Public Health & Safety*)
9. Prior to final plat approval, the subdivider shall submit an updated road maintenance agreement (RMA) for the Bitterroot Views Subdivision which shall be an amendment to the RMA that was recorded November 30, 1999 (Document # 459196). The updated RMA shall make Lots 1-5 of Bitterroot Views II party to the maintenance of Frost Lane. In conjunction with the amended RMA, the subdivider shall submit a RMA for the internal roadway in accordance with Section 3-1-5(b)(xxxviii) of the Ravalli County Subdivision Regulations. Alternatively, should the subdivider fail to get approval to amend the existing RMA the subdivider shall submit a RMA for the internal roadway and the portion of Frost Lane accessing the subdivision that meets the requirements in Section 3-1-5(b)(xxxviii) of the Ravalli County Subdivision Regulations. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services*)
10. Prior to final plat approval, the subdivider shall apply a pavement crack sealant and a bituminous surface treatment over the extent of Frost Lane leading to the subdivision access and provide an approval letter from the Ravalli County Road and Bridge Department indicating that with the improvements Frost Lane meets current County-standards for roadways. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)
11. The subdivider shall provide evidence that mailboxes have been installed in accordance with the Corvallis Post Office's standards, and that the installation has been approved by the Corvallis Post Office prior to final plat approval. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services*)
12. A 50-foot no-build/alteration zone shall extend horizontally from both sides of Cow Creek and an additional 25-foot no-build zone shall extend horizontally from both sides of the no-build/alteration zone. Both zones shall be shown on the final plat. (*Section 3-2-8(b)(v), RCSR, Effects on Natural Environment*)
13. The subdivider shall install a new cleaning system as part of the irrigation infrastructure improvements for the existing private irrigation system provides water to the proposed site. The cleaning system shall be reviewed and approved by BRID, and the subdivider shall provide a letter from BRID stating that the system has been installed conformance with the approved design. (*Section 3-2-8(b)(v), RCSR, Effects on Agricultural Water User Facilities*)
14. The internal road shall be labeled as a 60-foot wide "public road and utility easement" and shall be shown on the final plat. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services*)

15. The subdivider in consultation with the Board of County Commissioners shall reach a decision on the design (minimum width of paved travel surface and gravel shoulder) of the internal road. The decision shall consider the recommendation of the RCFC and the discussion presented by Planning Staff. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)
16. A stop sign and road name sign shall be installed at the intersection of Frost Lane and the interior road prior to final plat approval. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services and Public Health & Safety*)

#### **FINAL PLAT REQUIREMENTS (RAVALLI COUNTY SUBDIVISION REGULATIONS)**

*The following items shall be included in the final plat submittal, as required by the Ravalli County Subdivision Regulations, Section 3-4-4(a) et seq.*

1. A statement from the project surveyor or engineer prior to final plat approval outlining how each final plat requirement or condition of approval has been satisfied.
2. One paper and two Mylar 18" x 24" or larger copies of the final plat, completed in accordance with the Uniform Standards for Final Subdivisions Plats (ARM 8.94.3003). (One paper copy may be submitted for the first proofing.) The final plat shall conform to the preliminary plat decision. In accordance with the conditions of approval and RCSR Section 3-4-4(a)(ii), the following features are required on the Final Plat:
  - Project name
  - Title block
  - Certificate of registered owner – notarized
  - Certificate of registered land surveyor with seal
  - Certificate of governing body approval
  - Signature block for Clerk and Recorder, preferably in lower right hand corner
  - Certificate of public dedication
  - Certificate of park cash-in-lieu payment
  - Other certifications as appropriate
  - North arrow
  - Graphic scale
  - Legal description
  - Property boundaries (bearings, lengths, curve data)
  - Pertinent section corners and subdivision corners
  - Names of adjoining subdivisions/certificates of survey
  - Monuments found
  - Witness monuments
  - Acreage of subject parcel
  - Curve data (radius, arc length, notation of non-tangent curves)
  - Line data (lengths to tenths of a foot, angles/bearings to nearest minute)
  - Lots and blocks designated by number (dimensions/acreage)
  - Easements/rights of ways (location, width, purpose, ownership)
  - Dedication for public use
  - No-build/alteration zones
  - No-ingress/egress zones
  - Water resources (rivers, ponds, etc.)
  - Floodplains
  - Irrigation canals including diversion point(s), etc.
  - Existing and new roads (names, ownership, etc.)

- Existing and proposed utility, irrigation, and drainage easements, as shown on the preliminary plat, shall be shown on the final plat.
  - No-build/alteration and no-build zones shall be shown on the plat in accordance with Condition 12.
3. The original copy of the preliminary plat decision shall be submitted with the final plat submittal.
  4. Any variance decisions shall be submitted with the final plat submittal.
  5. Copies of extensions of the preliminary plat approval period shall be submitted with the final plat submittal.
  6. The final plat review fee shall be submitted with the final plat submittal.
  7. A Consent to Plat form, including notarized signatures of all owners of interest, if the developer is not the underlying title holder, shall be submitted with the final plat submittal.
  8. A Title Report or updated Abstract dated no less than one (1) year prior to the date of submittal shall be submitted with the final plat submittal.
  9. The DEQ Certificate of Subdivision Approval or RCEH approval shall be submitted with the final plat submittal.
  10. Copy of the General Discharge Permit for Stormwater Associated with Construction Activity from the DEQ shall be submitted with the final plat submittal.
  11. The approved Ground Disturbance and Noxious Weed Management Plan for the control of noxious weeds and the re-vegetation of all soils disturbed within the subdivision shall be submitted with the final plat submittal.
  12. A copy of the appraisal report, per Section 6-1-7, dated no less than six (6) months from the date of the submittal, for calculating the cash-in-lieu of parkland dedication and a receipt from the County Treasurer's Office for the payment of cash-in-lieu of parkland dedication, shall be submitted with the final plat submittal, if the preferred method of dedicating parkland to a homeowners association is not accepted by the Board of County Commissioners.
  13. Road and driveway approach and encroachment permits shall be submitted with the final plat submittal.
  14. Evidence of a Ravalli County-approved road name petition(s) for each new road shall be submitted with the final plat submittal.
  15. Final Road Plans and Grading and Storm Water Drainage Plan shall be submitted with the final plat submittal.
  16. Road certification(s) shall be submitted with the final plat submittal.
  17. A Road Maintenance Agreement, signed and notarized, shall be submitted with the final plat submittal.
  18. Utility availability certification(s) shall be submitted with the final plat submittal.
  19. A signed and notarized master irrigation plan, or if one is not required, written and notarized documentation showing how the water rights are to be divided or written and notarized documentation indicating that the water rights will be removed from the property shall be submitted with the final plat submittal.
  20. A notarized statement from each downstream water user (BRID) specifically authorizing any alteration, such as installation of culverts, bridges, etc., or relocation of an irrigation ditch shall be submitted with the final plat submittal.
  21. Protective covenants to be filed with the final plat that are signed and notarized shall be submitted with the final plat submittal.
  22. Copies of permits issued by the Bitterroot Conservation District or the US Army Corps of Engineers when construction occurs on environmentally sensitive features shall be submitted with the final plat submittal.
  23. A copy of the letter sent to the appropriate school district(s) stating the applicant has made or is not willing to make a voluntary contribution to the school district to mitigate impacts of the subdivision on the school district that are not related to capital facilities; shall be submitted with the final plat submittal.
  24. Signed and notarized homeowner association documents, including bylaws, covenants, and/or declarations shall be submitted with the final plat submittal.

25. The subdivider shall pay the pro rata share of the cost to improve the portions of Hamilton Heights Road and Wilcox Lane leading to the subdivision prior to final plat approval. (Section 5-4-5(d), RCSR)
26. Evidence that improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider, Professional Engineer, or contractor, as may be appropriate and required. A Professional Engineer's certification shall be required in any instance where engineered plans are required for the improvement. Alternatively, an improvements agreement and guaranty shall be required. (Refer to Section 3-4-2).
  - Specific infrastructure improvements potentially required for this subdivision are the construction of the internal subdivision road, application of crack sealant and a bituminous surface treatment to Frost Lane, a stop and road name sign, installation of irrigation system (pipeline and cleaning system), and a water supply that meets the requirements of the Corvallis Fire District (if cash is not contributed in lieu of).

## **SUBDIVISION REPORT**

### **COMPLIANCE WITH PREREQUISITES TO APPROVAL**

Section 3-2-8(a) of the RCSR states that the BCC shall not approve or conditionally approve a subdivision application and preliminary plat unless it establishes by credible evidence that the proposed subdivision meets the following requirements:

#### **A. Provides easements for the location and installation of any planned utilities.**

##### Findings of Fact

1. Existing utilities are located along Frost Lane, which is within a 60-foot wide private road and public utility easement. (Bitterroot Views II Subdivision Application)
2. The subdivider is proposing 60-foot wide public access and utility easements for the internal subdivision roads. (Bitterroot Views II Subdivision Application)
3. *Existing and proposed utility easements are required to be shown on the final plat. (Final Plat Requirement 2)*

##### Conclusion of Law

The proposed subdivision application provides for utility easements.

#### **B. Provides legal and physical access to each parcel within the subdivision and the notation of that access is included on the applicable plat and in any instrument transferring the parcel.**

##### Findings of Fact

1. The subdivision is accessed by Hamilton Heights Road, Wilcox Lane, Frost Lane, and the internal subdivision road from Eastside Highway. (Bitterroot Views II Subdivision Application)
2. Hamilton Heights Road and Wilcox Lane are County-maintained roads, which provide legal and physical access. (RCSR – Exhibit A)
3. The subdivider is required to pay the pro rata share of the cost to improve the portions of Hamilton Heights Road and Wilcox Lane leading to the subdivision to meet County standards. The preliminary pro rata estimate included in the application projects that the subdivider will be required to contribute approximately \$13,719 in pro rata funds. (Bitterroot Views II Subdivision Application)
4. Frost Lane is a non-County-maintained, County-standard road within an existing 60-foot wide private road and public utility easement. Ravalli County Road and Bridge Supervisor David Ohnstad stated that the roadway is in need of crack sealing and a bituminous surface treatment. (Exhibit A-1)
5. The subdivider is proposing to construct the internal road to County-standards. (Bitterroot Views II Subdivision Application)
6. The Road Department has granted preliminary approval of the road plans. (Exhibit A-2)
7. *To ensure legal and physical access to the subdivision, the following conditions and requirements shall be met:*
  - *The subdivider is required to pay the pro rata share of the cost to improve the portions of Hamilton Heights Road and Wilcox Lane leading to the subdivision prior to final plat approval. (Final Plat Requirement 25)*
  - *The subdivider is required to submit final approval from the Road Department that the internal road has been constructed to meet County-standards prior to final plat approval. (Final Plat Requirements 15, 16, and 26)*
  - *To ensure legal access, the subdivider shall provide for 60-foot wide public road and utility easements for the internal road on the final plat. (Final Plat Requirement 2 and Condition 14)*

#### Conclusion of Law

With the requirements of final plat approval, the subject property will have both legal and physical access.

- C. Assures that all required public or private improvements will be installed before final plat approval, or that their installation after final plat approval will be guaranteed as provided by Section [3-4-2] of these regulations.**

#### Finding of Fact

The subdivider is required to submit evidence that the following improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider prior to final plat approval (Final Plat Requirement 26):

- Specific infrastructure improvements potentially required for this subdivision are the construction of the internal subdivision road, application of crack sealant and a bituminous surface treatment to Frost Lane, a stop and road name sign, installation of irrigation system (pipeline and cleaning system), and a water supply that meets the requirements of the Corvallis Fire District (if cash is not contributed in lieu of).

#### Conclusion of Law

The final plat requirements or an improvements agreement and guaranty will ensure that the improvements are installed.

- D. Assures that the requirements of 76-3-504(1)(j), MCA, regarding the disclosure and disposition of water rights as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.**

#### Findings of Fact

1. 76-3-504(1)(j), MCA states that when a subdivision creates parcels with lot sizes averaging less than 5 acres, the subdivider is required to:
  - (i) reserve all or a portion of the appropriation water rights owned by the owner of the land to be subdivided and transfer the water rights to a single entity for use by landowners within the subdivision who have a legal right to the water and reserve and sever any remaining surface water rights from the land;
  - (ii) if the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide the use of a water right on the subdivision lots, establish a landowner's water use agreement administered through a single entity that specifies administration and the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or
  - (iii) reserve and sever all surface water rights from the land.
2. The average lot size for this proposal is approximately 4.39 acres. (Bitterroot Views II Subdivision Application)
3. The land to be subdivided is subject to a contract with the Bitter Root Irrigation District (BRID), which is a public entity formed to provide the use of water shares for subdivided and un-subdivided property. (Bitterroot Views II Subdivision Application)
4. The subdivider is proposing to distribute irrigation water among all proposed lots, and has received approval from BRID for the split of the water shares. According to BRID, each lot will be allocated 3.4 irrigated acres of water and the Common Area will be allocated 3.0 acres of water. (Bitterroot Views II Subdivision Application)
5. *A master irrigation plan will be recorded prior to final plat approval. The master irrigation plan shall indicate the allocation of water rights as approved by BRID. (Requirement 19)*

#### Conclusion of Law

With the requirements of final plat approval, this prerequisite will be met.

**E. Assures that the requirements of 76-3-504(1)(k) MCA, regarding watercourse and irrigation easements as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.**

Findings of Fact

1. 76-3-504(1)(k) MCA states that, except as provided in subsection (1)(k)(ii) (the proposal does not meet the criteria in this subsection), the subdivider is required to establish ditch easements in the subdivision that:
  - (a) are in locations of appropriate topographic characteristics and sufficient width to allow the physical placement and unobstructed maintenance of open ditches or belowground pipelines for the delivery of water for irrigation to persons and lands legally entitled to the water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right on the subdivision lots;
  - (b) are a sufficient distance from the centerline of the ditch to allow for construction, repair, maintenance, and inspection of the ditch; and
  - (c) prohibit the placement of structures or the planting of vegetation other than grass within the ditch easement without the written permission of the ditch owner.
2. An existing irrigation ditch traverses south to north across the subject property. (Bitterroot Views II Preliminary Plat)
3. The subdivider has proposed to pipe the ditch over the length of the subject property and place a 15-foot wide irrigation easement along the pipeline. (Bitterroot Views II Subdivision Application)
4. The placement of structures or the planting of vegetation other than grass within an irrigation easement is prohibited. (76-3-504(1)(k) MCA).
5. *To ensure that the provisions of 76-3-504(1)(k) MCA are met, the following requirement and conditions shall be met prior to final plat approval:*
  - *The proposed irrigation easements are required to be shown on the final plat, as shown on the preliminary plat. (Final Plat Requirement 2)*
  - *A notification that the placement of structures or the planting of vegetation other than grass is prohibited without the written permission of the ditch owner shall be included in the notifications document. (Condition 1)*

Conclusion of Law

With the requirement and condition of final plat approval, this prerequisite will be met.

**F. Provides for the appropriate park dedication or cash-in-lieu, if applicable.**

Findings of Fact

1. The application states that 0.9 acres are required to meet the parkland dedication requirement. (Bitterroot Views II Subdivision Application)
2. The subdivider is proposing to create a 3.06 acre common area which will be dedicated to and maintained by a homeowners association. (Bitterroot Views II Preliminary Plat and Subdivision Application)
3. Notification letters were sent to the Ravalli County Park Board requesting comments on August 12, 2008 and February 26, 2009, but no comments have been received to date. (Bitterroot Views II Subdivision File)
4. In accordance with 76-3-621(4), MCA, "the governing body, in consultation with the subdivider and the planning board or park board that has jurisdiction, may determine suitable locations for parks, playgrounds and giving due weight and consideration to the expressed preference of the subdivider, may determine whether the park dedication must be a land donation, cash donation, or a combination of both. When a combination of land

donation and cash donation is required, the cash donation may not exceed the proportional amount not covered by the land donation." (See also Section 6-1-5(e), RCSR)

5. *If the Board of County Commissioners rejects the subdivider's preferred method of providing parkland, the subdivider shall provide an appraisal report and a receipt from the County Treasurer's Office indicating that a cash-in-lieu payment of parkland dedication has been received. (Final Plat Requirement 12)*

#### Conclusion of Law

The subdivider has proposed parkland dedication that meets the State Law requirement.

### **G. Overall Findings and Conclusions on Prerequisite Requirements**

There is adequate evidence to demonstrate compliance with each prerequisite to approval.

### **COMPLIANCE WITH APPLICABLE REGULATIONS**

Section 3-2-8(b) of the RCSR states that in approving, conditionally approving, or denying a subdivision application and preliminary plat, the BCC shall ensure the subdivision application meets Section 3-2-8(a) above, and whether the proposed subdivision complies with:

#### **A. These regulations, including, but not limited to, the standards set forth in Chapter 5.**

##### Findings of Fact

1. The subdivision design as indicated on the preliminary plat meets the design standards in Chapter 5 of the RCSR. (Bitterroot Views II Subdivision File)
2. This development proposal has followed the necessary application procedures and has been reviewed in compliance with Chapter 3 of the RCSR. (Bitterroot Views II Subdivision File)

##### Conclusions of Law

1. The preliminary plat and subdivision application meet all applicable standards required in the RCSR.
2. The requirements for the application and review of this proposed subdivision have been met.

#### **B. Applicable zoning regulations.**

##### Findings of Fact

1. The unincorporated areas of Ravalli County are not zoned, excepting voluntary zoning districts. (Clerk & Recorder's Office)
2. The property is not within one of Ravalli County's adopted voluntary zoning districts. (Nighthawk Meadows Subdivision File)

##### Conclusion of Law

There are no zoning regulations that apply to the property.

#### **C. Existing covenants and/or deed restrictions.**

##### Finding of Fact

There are no existing covenants or deed restrictions on the property.

##### Conclusion of Law

There are no covenants or deed restrictions that apply to this property.

#### **D. Other applicable regulations.**

##### Findings of Fact

1. Following are regulations that may apply to this subdivision:

- Montana Subdivision and Platting Act, Title 76, Chapter 3, MCA
  - Montana Sanitation in Subdivisions Act, Title 76, Chapter 4, MCA
  - Ravalli County Subsurface Wastewater Treatment and Disposal Regulations
  - Montana Standards for Subdivision Storm Drainage (DEQ Circular 8)
  - Applicable laws and policies requiring permits related to development (U.S. Army Corps of Engineers, Bitterroot Conservation District, Ravalli County Road & Bridge Department, Montana Department of Transportation, Montana Department of Environmental Quality, etc.)
2. Prior to final plat approval, the subdividers are required to submit permits and evidence that they have met applicable regulations. (Section 3-4-4(a), RCSR)

#### Conclusion of Law

With the requirements of final plat approval, the application will meet all of the applicable regulations.

### **E. The MSPA, including but not limited to an evaluation of the impacts of the subdivision on the following criteria:**

#### **CRITERION 1: EFFECTS ON AGRICULTURE**

##### **Findings of Fact:**

1. The proposed minor subdivision on approximately 25.0 acres will result in five lots that range in size from 3.66 to 5.01 acres. The property is located southeast of Corvallis. (Bitterroot Views II Subdivision File)
2. The subject parcel is classified for tax purposes as vacant land rural. (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services)
3. Parcels surrounding the subject property are classified for tax purposes as residential rural, farmstead rural and agricultural rural. The subject property is classified as vacant land rural. (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services and 2005 Aerial Photography created by the National Agricultural Imagery Program)
4. According to the Web Soil Survey for Ravalli County, approximately 27% of the soils located on the property were identified as a Burnt Fork loam which is categorized as "Prime farmland if irrigated". (Subdivision Application and Web Soil Survey, U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS))
5. A Ravalli County Subdivision Noxious Weed Evaluation Form was submitted that stated Canada Thistle was scattered on the property. (Bitterroot Views II Subdivision Application)
6. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (7-22-2152, MCA)
7. *Following are conditions and requirements of final plat approval that will mitigate the impacts of the subdivision on agriculture:*
  - *The approved Ground Disturbance and Noxious Weed Management Plan is required to be submitted prior to final plat approval. (Final Plat Requirement 11)*
  - *A noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*
  - *The protective covenants, also filed with the final plat, shall include a provision requiring homeowners to keep pets confined to the house, a fenced yard, or in an outdoor kennel. (Condition 2)*

#### Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, impacts on agriculture will be reduced.

#### **CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES**

##### Findings of Fact

1. The land to be subdivided is subject to a contract with the Bitter Root Irrigation District (BRID), which is a public entity formed to provide the use of water shares for subdivided and un-subdivided property. (Bitterroot Views II Subdivision Application)
2. The subdivider is proposing to distribute irrigation water among all proposed lots, and has received approval from BRID for the split of the water shares. According to BRID, each lot will be allocated 3.4 irrigated acres of water and the Common Area will be allocated 3.0 acres of water. (Bitterroot Views II Subdivision Application)
3. An existing irrigation ditch traverses south to north across the subject property. (Bitterroot Views II Preliminary Plat)
4. The subdivider has proposed to pipe the ditch over the length of the subject property and place a 30-foot wide irrigation easement along the pipeline running south to north. (Bitterroot Views II Subdivision Application)
5. The subdivider has submitted a master irrigation plan which provides for 30-foot and 15-foot irrigation pipeline easements to each of the proposed lots, including the common area. In addition to the irrigation plan, an irrigation agreement has been submitted which describes the allocation of water shares and the watering schedule for each of the proposed lots. (Bitterroot Views II Subdivision Application)
6. In a letter dated August 19, 2008, Bitter Root Irrigation District Manager John Crowley stated that the existing cleaning system installed as part of the irrigation system that delivers water to the Bitterroot Views Subdivision and will deliver water to the proposed Bitterroot Views II Subdivision is old and outdated and has caused problems for water users. Mr. Crowley has requested that a new system be installed. (Exhibit A-3)
7. The placement of structures or the planting of vegetation other than grass within the irrigation easement is prohibited. (76-3-504(1)(k) MCA).
8. *Following are conditions and requirements of final plat approval that will mitigate the impacts of the subdivision on agricultural water user facilities:*
  - *The proposed irrigation easements are required to be shown on the final plat, as shown on the preliminary plat. (Final Plat Requirement 2)*
  - *A master irrigation plan will be recorded prior to final plat approval. The master irrigation plan shall indicate the allocation of water rights as approved by BRID. (Final Plat Requirement 19)*
  - *A notarized statement from each downstream water user (BRID) specifically authorizing any alteration, such as installation of culverts, bridges, etc., or relocation of an irrigation ditch. (Final Plat Requirement 20)*
  - *A notification that the placement of structures or the planting of vegetation other than grass is prohibited without the written permission of the ditch owner shall be included in the notifications document. (Condition 1)*
  - *The subdivider shall install a new cleaning system as part of the irrigation infrastructure improvements for the existing private irrigation system provides water to the proposed site. The cleaning system shall be reviewed and approved by BRID, and the subdivider shall provide a letter from BRID stating that the system has been installed in conformance with the approved design. (Condition 13)*

#### Conclusion of Law

With the mitigating conditions of approval and requirements of final plat approval, impacts on agricultural water user facilities will be reduced.

### **CRITERION 3: EFFECTS ON LOCAL SERVICES**

#### **Findings of Fact:**

##### **Fire Department**

1. The subdivision is located within the Corvallis Rural Fire District. (Bitterroot Views II Subdivision File)
2. Notification letters were sent to the Corvallis Rural Fire District requesting comments on August 12, 2008 and February 26, 2009. No comments have been received to date. (Bitterroot Views II Subdivision File)
3. In a letter dated May 29, 2008, the Corvallis Rural Fire District requested that the cash-in-lieu of water supply fee be increased from \$500 to \$900. In a subsequent letter dated June 18, 2008, the district submitted materials to support this request. (Exhibit A-4)
4. The Ravalli County Fire Council (RCFC), which includes the Corvallis Rural Fire District, has adopted Fire Protection Standards (outlined in document from the Hamilton Rural Fire District) that address access, posting of addresses, and water supply requirements. (Exhibit A-5)
5. In a letter dated September 25, 2008, Ravalli County Fire Warden Ronald J. Ehli, on behalf of the RCFC requested that all interior roadways for new development be constructed with a paved travel surface of 20 feet and a minimum 1-foot gravel shoulder, for a total width of 22 feet. (Exhibit A-14)
6. Section 5-4-4(h), Table B-1 of the Ravalli County Subdivision Regulations (RCSR) sets out specific road design standards. The table calls for all local roads serving less than 400 trips per day to have a minimum paved travel surface of 18 feet and a minimum gravel shoulder of 2 feet.
7. To construct a roadway in accordance with the recommended design of the RCFC, a variance would be required from Table B-1 of the RCSR because the minimum design for shoulders would not be met. (Staff Determination)
8. Because Table B-1 sets out minimum design standards, the subdivider could construct the roadway with a 20-foot wide paved travel surface and 2-foot gravel shoulders. The resulting design would result in a total width of 24 feet and would not require a variance from the RCSR. (Staff Determination)
9. *The following conditions will mitigate impacts of the subdivision on the Fire District:*
  - *Provisions in the covenants requiring that addresses are posted as soon as construction begins and that all driveways over 150 feet meet the standards of the Fire District. (Condition 2)*
  - *The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (Condition 4)*
  - *Prior to final plat approval, the subdividers shall provide a letter from the Corvallis Rural Fire District stating that the subdividers have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for each lot within this subdivision. Alternatively, the subdividers may provide evidence that a \$900-per-lot contribution has been made to the Corvallis Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. (Condition 5)*
  - *The following statement shall be shown on the final plat: "The Ravalli County Fire Council, which includes the Corvallis Rural Fire District, has adopted Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Corvallis Rural Fire District for further information". (Condition 6)*
  - *The subdivider in consultation with the Board of County Commissioners shall reach a decision on the design (minimum width of paved travel surface and gravel shoulder) of the internal road. The decision shall consider the recommendation of the RCFC and the discussion presented by Planning Staff. (Condition 15)*

#### School District

10. The proposed subdivision is located within the Corvallis School District. (Bitterroot Views II Subdivision File)
11. It is estimated that two school-aged children will be added to the Corvallis School District, assuming an average of 0.5 children per household. (Census 2000)
12. Notification letters were sent to the Corvallis School District requesting comments on August 12, 2008 and February 26, 2009. No comments have been received to date. (Bitterroot Views II Subdivision File)
13. The Corvallis School District has completed an impact fee study and has forwarded a letter, dated February 18, 2009, requesting the Board of County Commissioners adopt an impact fee in the amount of \$4,000 (Exhibit A- 6), however, Ravalli County has not adopted impact fees to date. The County cannot request a contribution for capital expenses until an impact fee has been adopted. (MCA 7-6-1603)
14. County School Superintendent, Ernie Jean, has provided the Planning Department the Budget Per Pupil/Tax Levy Per Pupil information for Ravalli County. According to the document, the tax levy per pupil excluding capital costs would be \$2,007 for the Corvallis School District (Exhibit A-7)
15. The subdivider has not proposed mitigation to offset potential impacts to the Corvallis School District. (Bitterroot Views II Subdivision File)
16. The County School Superintendent, Ernie Jean, sent a letter to the Ravalli County Commissioners stating that the Ravalli County Educational Transportation Committee recently adopted a resolution requesting that the Commissioners establish a requirement that the developers of each subdivision establish a shelter at a bus stop and turnout, or turnaround, if appropriate, at each subdivision entrance that is off a County owned and maintained road. (Exhibit A-8)
17. The proposed subdivision is not located off of a County-maintained roadway. (Bitterroot Views II Subdivision Application)
18. *The subdivider shall negotiate adequate mitigation with the BCC to alleviate impacts of the subdivision on the Corvallis School District. The subdivider shall ensure that the decided upon mitigation has been implemented prior to final plat approval. (Condition 7)*

#### Public Safety

19. The Ravalli County Sheriff's Office provides law enforcement services to this area. (Bitterroot Views II Subdivision File)
20. Notification letters were sent to the Ravalli County Sheriff's Office requesting comments on August 12, 2008 and February 26, 2009. No comments have been received to date. (Bitterroot Views II Subdivision File)
21. This proposed subdivision is located approximately 6 miles from the Sheriff dispatch in Hamilton. (Bitterroot Views II Subdivision Application)
22. The average number of people per household in Ravalli County is 2.5. This proposal has the potential to add approximately 10 people to Ravalli County. (Census 2000)
23. Taxes from new residents may not be immediately available to law enforcement services, E-911, or the Office of Emergency Services (OES). There is no available information on the average amount of time between when public safety services begin to serve a new residence and when public safety services receive tax money from that residence. (Staff Determination)
24. The subdivider has not proposed a contribution to offset any impacts to public safety services resulting from the potential addition of 10 people. (Bitterroot Views II Subdivision File)
25. To mitigate impacts on Ravalli County Public Safety Services, the subdivider shall negotiate adequate mitigation with the BCC to alleviate impacts of the subdivision on Public Safety Services (Sheriff, E-911, OEM). The subdivider shall ensure that the decided upon mitigation has been implemented prior to final plat approval. (Condition 8)

## Roads

26. There are five proposed residential lots within this subdivision. It is estimated at build-out that this subdivision could generate a total of 40 vehicular trips per day, assuming eight trips per day per residential lot. (Bitterroot Views II Subdivision File)
27. Hamilton Heights Road and Wilcox Lane are County-maintained roads, which provide legal and physical access. (RCSR – Exhibit A)
28. Frost Lane is an existing 24-foot wide County-standard privately-maintained road serving the parcel. (Bitterroot Views II Subdivision File, Ravalli County GIS Data.)
29. In an email dated December 16, 2008, Ravalli County Road and Bridge Department (RCRBD) Supervisor David Ohnstad stated that the RCRBD would accept Frost Lane as County-standard and would encourage the developer to apply crack sealant and a bituminous surface treatment so that the surface of Frost Lane would realize a typical life cycle. (Exhibit A-1)
30. The internal road will provide legal and physical access to all lots within the subdivision via a 60-foot wide public road and utility easement. (Bitterroot Views II Preliminary Plat)
31. The road plans received preliminary approval from the Ravalli County Road and Bridge Department on October 6, 2008. (Exhibit A-2)
32. The subdivider is required to pay the pro rata share of the cost to improve the portions of Hamilton Heights Road and Wilcox Lane leading to the subdivision to meet County standards. The preliminary pro rata estimate included in the application projects that the subdivider will be required to contribute approximately \$13,719 in pro rata funds. (Bitterroot Views II Subdivision Application)
33. The proposal does not require an access encroachment permit from the Ravalli County Road and Bridge Department, as the subdivision will be accessed from a private roadway. (Bitterroot Views II Subdivision Application)
34. There is an existing RMA for Frost Lane (Document #459196) that was filed with the final plat of the Bitterroot Views Subdivision. (Bitterroot Views II Subdivision Application)
35. *To mitigate impacts on the roads leading to the subdivision, the following conditions and requirements shall be met:*
  - *A copy of the General Discharge Permit for Stormwater Associated with Construction Activity from DEQ shall be submitted prior to final plat approval, if applicable. (Final Plat Requirement 10)*
  - *Final Road Plans and Grading and Storm Water Drainage Plans for the internal roadway shall be submitted with the final plat submittal, including road certifications. (Final Plat Requirements 15 and 16)*
  - *A Road Maintenance Agreement shall be signed, notarized, and submitted. (Final Plat Requirement 17)*
  - *To mitigate potential impacts of this subdivision on any possible future public water, sewer system, or improvements to the road system, the RSID/SID waiver filed with the final plat shall address these services/facilities. (Condition 3)*
  - *Prior to final plat approval, the subdivider shall submit an updated road maintenance agreement (RMA) for the Bitterroot Views Subdivision which shall be an amendment to the RMA that was recorded November 30, 1999 (Document # 459196). The updated RMA shall make Lots 1-5 of Bitterroot Views II party to the maintenance of Frost Lane. In conjunction with the amended RMA, the subdivider shall submit a RMA for the internal roadway in accordance with Section 3-1-5(b)(xxxviii) of the Ravalli County Subdivision Regulations. Alternatively, should the subdivider fail to get approval to amend the existing RMA the subdivider shall submit a RMA for the internal roadway and the portion of Frost Lane accessing the subdivision that meets the requirements in Section 3-1-5(b)(xxxviii) of the Ravalli County Subdivision Regulations. (Condition 9)*
  - *Prior to final plat approval, the subdivider shall apply a crack sealant and a bituminous surface treatment over the extent of Frost Lane leading to the subdivision access and provide an approval letter from the Ravalli County Road and Bridge Department indicating*

*that with the improvements Frost Lane meets County-standards for roadways. (Condition 10)*

- The internal road shall be labeled as a 60-foot wide "public road and utility easement" and shall be shown on the final plat. (Condition 14)
- A stop sign and road name sign shall be installed at the intersection of Frost Lane and the interior road prior to final plat approval. (Condition 16)

#### Ambulance Services

36. Ambulance services will be provided by the Marcus Daly Memorial Hospital EMS Department. Marcus Daly was contacted on August 12, 2008 and February 26, 2009, but no comments have been received to date. (Bitterroot Views II Subdivision File)
37. *To mitigate impacts on emergency services, the subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (Condition 4)*

#### Water and Wastewater Districts

38. Individual wells and wastewater treatment systems are proposed to serve the lots. (Bitterroot Views II Subdivision File)
39. The property is not near any municipal water or wastewater systems. (Bitterroot Views II Subdivision File)
40. *To mitigate impacts of the subdivision relating to water and wastewater, the applicant is required to submit a DEQ Certificate of Subdivision Approval prior to final approval. (Final Plat Requirement 9)*

#### Solid Waste Services

41. Bitterroot Disposal provides service to this site. (Bitterroot Views II Subdivision File)
42. Notification letters were sent to Bitterroot Disposal requesting comments on August 12, 2008 and February 26, 2009, but no comments have been received to date. (Bitterroot Views II Subdivision File)

#### Mail Delivery Services

43. The United States Postal Service (USPS) sent a letter to the Planning Department on June 8, 2007 and an email on June 29, 2007 requesting that Collection Box Units (CBUs) be required for all subdivisions with eight or more lots (or if the local post office requests a CBU) and that the locations of the boxes be approved by the USPS (Exhibit A-9).
44. *The subdivider shall provide evidence that mailboxes have been installed in accordance with the Corvallis Post Office's standards, and that the installation has been approved by the Corvallis Post Office prior to final plat approval. (Condition 11)*

#### Utilities

45. The proposed subdivision will be served by Northwestern Energy, Ravalli Electric Cooperation and Qwest Communications. (Bitterroot Views II Subdivision File)
46. Notification letters were sent to the utility companies requesting comments on August 12, 2008 and February 26, 2009. No comments have been received to date. (Bitterroot Views II Subdivision File)
47. *The following requirements will mitigate impacts of the subdivision on local utilities:*
- *Existing and proposed utility easements shall be shown on the final plat. (Final Plat Requirement 2)*
  - *The subdivider shall submit utility availability certifications from Northwestern Energy, Ravalli Electric Cooperation and Qwest Communications prior to final plat approval. (Final Plat Requirement 18)*

#### Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, impacts of the subdivision on local services will be reduced.

#### CRITERION 4: EFFECTS ON NATURAL ENVIRONMENT

##### Findings of Fact:

##### Air Quality

1. In an email dated April 1, 2008, the Montana Department of Environmental Quality (DEQ) identified Ravalli County as a community that experiences poor air quality during certain periods of the year. (Exhibit A-10)
2. The Montana DEQ has identified that burning sources – such as fireplaces and wood stoves – are the most common sources of particulate matter (PM-10 and PM-2.5). The smaller PM-2.5 particles, often referred to as "fine particulates," are easily inhaled and can cause tissue damage, emphysema, bronchitis, and cardiovascular complications. Children, seniors, and individuals with pre-existing respiratory diseases are most susceptible to these health risks. (Montana DEQ Citizens Guide to Air Quality in Montana <http://www.deq.mt.gov/AirMonitoring/citguide/understanding.asp>)
3. *To mitigate impacts on air quality, the notifications document shall include a provision recommending that homeowners refrain from installing wood stoves. (Condition 1)*

##### Ground Water

4. The subdivider is proposing individual wells and wastewater treatment systems for all lots. The subdivider submitted water and sanitation information per MCA 76-3-622 for the proposed systems. (Bitterroot Views II Subdivision File)
5. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Exhibit A-11, MCA 76-3-622)
6. *To mitigate impacts on the natural environment, the subdivider is required to submit a final DEQ Certificate of Subdivision Approval prior to final approval. (Final Plat Requirement 9)*

##### Surface Water

7. A natural drainage/intermittent stream, Cow Creek, traverses the eastern portion of the property. (Ravalli County GIS, Bitterroot Views II Preliminary Plat)
8. Section 5-8-1(f) of the RCSR states that natural drainages shall be preserved except for necessary crossing.
9. In an October 9, 2008 letter (Exhibit A-12), FWP recommended that to protect the natural drainage, Cow Creek, a 50-foot wide no-build/alteration zone be placed extending horizontally from the natural drainage and an additional 25-foot setback extend from the no-build/alteration zone. The 25-foot buffer would allow normal activities excepting construction of permanent structures.
10. *To mitigate impacts on the natural drainage/intermittent stream, a 50-foot no-build/alteration zone shall extend horizontally from both sides of Cow Creek and an additional 25-foot no-build zone shall extend horizontally from both sides of the no-build/alteration zone. Both zones shall be shown on the final plat. (Condition 12 and Final Plat Requirement 2)*

##### Light Pollution

11. The addition of homes in an area that currently has lower density development has the potential to create light pollution. Sky glow, glare, light trespass into neighbor's homes, and energy waste are some of the components of light pollution. (International Dark-Sky Association, [www.darksky.org](http://www.darksky.org))
12. *To mitigate the impacts of light pollution stemming from new construction, the Notifications Document shall include a provision recommending full cut-off lighting on new construction. (Condition 1)*

#### Vegetation

13. The subdivider submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated Canada Thistle was scattered on the property. (Bitterroot Views II Subdivision Application)
14. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (7-22-2152, MCA)
15. *To mitigate impacts on the natural environment, the following condition and requirement shall be met:*
  - *A noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*
  - *A noxious weed control plan shall be submitted with the final plat. (Final Plat Requirement 11)*

#### Archaeological Resources

14. There are no known sites of historical significance on the property. (Bitterroot Views II Subdivision Application)
15. *To mitigate possible impacts on any potential sensitive historical, cultural, archaeological, paleontological, and/or scenic sites, the following statement shall be included in the covenants: "If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the subdivider will contact the State Historic Preservation Office to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate". (Condition 2)*

#### Conclusion of Law:

With the mitigating conditions and requirements of final plat approval, impacts on the natural environment will be reduced.

#### **CRITERION 5: EFFECTS ON WILDLIFE & WILDLIFE HABITAT**

##### Findings of Fact:

1. The property appears to be on the periphery of the Elk Winter Range. (Ravalli County GIS Data)
2. In a letter dated October 9, 2008, FWP recommended living with wildlife and riparian area covenants. The letter did not specify anything regarding the proximity of the property to elk winter range. (Exhibit A-12)
3. According to the Montana Natural Heritage Program (MNHP) in June of 2007, the Townsend's Big-eared Bat was identified as the only species of concern known to exist in the same section as the proposed subdivision. (Bitterroot Views II Subdivision Application).
4. The subdivider submitted a Sensitive Species Waiver as part of the application. Based on lack of existing or potential habitat, the waiver was granted. (Exhibit A-13)
5. *To mitigate impacts on wildlife and wildlife habitat, the covenants shall include sections pertaining to living with wildlife and riparian areas. (Condition 2)*

#### Conclusion of Law:

With the mitigating condition of approval, impacts on wildlife & wildlife habitat will be reduced.

**David Ohnstad**

---

**From:** David Ohnstad  
**Sent:** Tuesday, December 16, 2008 9:33 AM  
**To:** Tristan Riddell  
**Subject:** FW: Bitterroot Views II  
**Attachments:** Prelim Review Completion 100108.pdf

**RECEIVED**

DEC 16 2008  
IC-08-12-1409  
Ravalli County Planning Dept.

Tristan -

We will forward to your office analysis regarding the design and construction of Frost Lane, the privately operated roadway providing access to the referenced subdivision.

Based upon the submitted analysis we will accept that Frost Lane has been designed and constructed consistent with the county's adopted design standards.

Given the age of the original pavement (2000), we suggest that the project owner consider management activity including Pavement Crack Sealing and a Bituminous Surface Treatment in order to realize a typical life cycle of the roadway surface.

Additionally, the final design for the project should include the placement of road-edge delineation on Frost lane as prescribed in the design engineers report.

Please let me know if I can provide further information.

David

DAVID H. OHNSTAD  
COUNTY ROAD SUPERVISOR  
RAVALLI COUNTY, MONTANA

---

**From:** David Ohnstad  
**Sent:** Monday, October 06, 2008 2:20 PM  
**To:** John Lavey  
**Subject:** FW: Bitterroot Views II

John -

I will deliver to your office the preliminary design review package for the referenced subdivision.

The Road & Bridge Department will approve this preliminary design with the expectation and understanding that all concerns identified through the preliminary review process are appropriately addressed through final design.

David

DAVID H. OHNSTAD  
COUNTY ROAD SUPERVISOR  
RAVALLI COUNTY, MONTANA

---

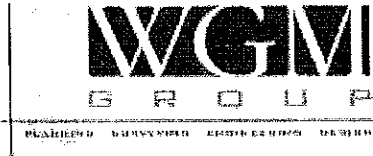
12/16/2008

**EXHIBIT A-1**

**From:** Cindy Kuns [mailto:CKuns@wgmgroup.com]  
**Sent:** Wednesday, October 01, 2008 2:21 PM  
**To:** David Ohnstad  
**Subject:** Bitterroot Views II

Our office has completed the preliminary review for the above-referenced project. Please find the completion memo attached. A hard copy with all referenced attachments will be mailed.

**Cindy Kuns**  
*Project Assistant*



P.O. Box 16027 • 3021 Palmer Street  
Missoula • Montana • 59808  
E-mail: [CKuns@wgmgroup.com](mailto:CKuns@wgmgroup.com)  
406-728-4611 x126 • FAX: 406-728-2476

<http://www.wgmgroup.com>

12/16/2008

# Bitterroot Engineering & Design, Inc.

1180 Eastside Hwy. Corvallis, MT 59828  
(406) 961-5634 FAX (406) 961-5654



To: David Ohnstad  
From: John Horat, PE  
Subject: Frost Lane  
Date: 11/20/08

## Project History

The Bitterroot Views Subdivision was conditionally approved by Ravalli County Commissioners in 1999. As a part of the approval, Frost Lane was required to be brought up to County road standards.

## Road Construction

Frost Lane was designed (See attached Design Specifications) for two (2) inches of asphaltic concrete over four inches of crushed aggregate base over twelve (12) inches of pit run gravels. See attached testing from Holman Consulting and GMT. Site investigations during construction were conducted by John Horat, PE of Bitterroot Engineering and Design, Inc. and surveying was conducted by Powell Surveying.

The road section is twenty four (24) feet wide with one (1) to two (2) feet of gravel shoulder each side of the pavement. The side slopes are mostly 4:1 horizontal to vertical then transition to 2:1.

The road was constructed with a minimum of three hundred (300) foot centerline curvature. The maximum constructed grade is eight (8) percent. A stop sign was placed at the intersection of Frost Lane and Wilcox Road.

The constructed road appears to meet AASHTO standards for both alignment and construction for a minor local road. Additionally, I would recommend delineators be placed in the area of the reverse vertical curve in both directions from station 2+00 to 3+61.

If you have any questions, please contact me.

RECEIVED

OCT 06 2008

IC-08-10-1194  
Ravalli County Planning Dept.

David Ohnstad

**From:** David Ohnstad  
**Sent:** Monday, October 06, 2008 2:20 PM  
**To:** John Lavey  
**Subject:** FW: Bitterroot Views II  
**Attachments:** Prelim Review Completion 100108.pdf

John –

I will deliver to your office the preliminary design review package for the referenced subdivision.

The Road & Bridge Department will approve this preliminary design with the expectation and understanding that all concerns identified through the preliminary review process are appropriately addressed through final design.

David

DAVID H. OHNSTAD  
COUNTY ROAD SUPERVISOR  
RAVALLI COUNTY, MONTANA

---

**From:** Cindy Kuns [mailto:CKuns@wgmggroup.com]  
**Sent:** Wednesday, October 01, 2008 2:21 PM  
**To:** David Ohnstad  
**Subject:** Bitterroot Views II

Our office has completed the preliminary review for the above-referenced project. Please find the completion memo attached. A hard copy with all referenced attachments will be mailed.

Cindy Kuns  
Project Assistant



P.O. Box 16027 • 3021 Palmer Street  
Missoula • Montana • 59808  
E-mail: [CKuns@wgmggroup.com](mailto:CKuns@wgmggroup.com)  
406-728-4611 x126 • FAX: 406-728-2476

<http://www.wgmggroup.com>

10/6/2008

EXHIBIT A-2

**DATE:** October 1, 2008

**TO:** David Ohnstad, Ravalli County Road & Bridge Department

**FROM:** Jonathan L. Gass, P.E.

**RE:** Bitterroot Views II Preliminary Review Completion

---

On behalf of the Ravalli County Road and Bridge Department (RCRBD), we have completed our preliminary review of the above-referenced project. Adequate road, grading, and drainage information has been submitted for the project. If the RCRBD is in concurrence with our review, please forward this letter to the design engineer and the Planning Department.

Preliminary comments were sent to the design engineer in accordance with Steps 6 and 7 of the RCRBD's Schedule of Activities. We are now sending this letter to your office in accordance with Step 8 of the RCRBD's Schedule of Activities to complete our preliminary review of the project.

Please note the final plans should incorporate the recommendations set forth in the Orion Engineering, Inc. report dated December 19, 2007, which was submitted for preliminary design review. A signed copy of the aforementioned Orion report will be required for final design review.

We have included a copy of the following with this letter:

- 1) Memo from WGM, dated 7/16/08
- 2) Response from design engineer, dated 8/21/08
- 3) Email from WGM, dated 9/15/08
- 4) Response email from design engineer, dated 9/16/08

This review is based on the 2004 version of the AASHTO Geometric Design of Highways and Streets, the 2001 version of the AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT<400), and the Ravalli County Subdivision Regulations.

Review of the plans and reports are limited to general conformance with the Ravalli County Subdivision Regulations in place at the time the subdivision application was submitted. This is not a complete or comprehensive review of the design assumptions or conclusions of the design professional who submitted the plans and reports. A final set of construction plans will need to be submitted by the developer for review by the RCRBD prior to beginning construction.

Thank you for the opportunity to work with the Ravalli County Road Department. If you have any questions, please contact our office.

RECEIVED

SEP 02 2008

IC-08-08-1029  
Ravalli County Planning Dept.

## BITTER ROOT IRRIGATION DISTRICT

1182 LAZY J. LANE  
CORVALLIS, MONTANA 59828  
Phone 406-961-1182  
Fax: 406-961-1183

---

From: Bitter Root Irrigation District  
To: Ravalli County Planning Department  
Subject: Agency Comment on Bitterroot Views II Minor Subdivision  
Date: August 19, 2008

Bitter Root Irrigation District (BRID) would like to see a new cleaning system installed to replace the old system that is presently in use.

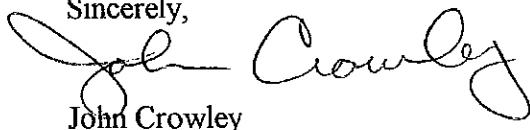
The present private irrigation system is very old, outdated, and requires a person hired by the home owners association to remove and replace a heavy 50 pound screen once a day. Bitter Root Irrigation District's operating policy states **"the District can not grant permission to third parties to use the district-right-of-ways for any purpose."** If the cleaning of the screen doesn't happen the district office receives phone calls for pressure loss to their irrigation system due to a clogged screen. The ditch rider is not responsible for this task.

The District has received several complaints from the existing Robert Meldrum subdivision Homeowners association due to irrigation pressure loss. The proposed Robert Meldrum subdivision would only compound this matter. This is a private system that BRID is not responsible for.

All private systems that use BRID water have a system out in the main canal that uses the water current to keep the intake system clean. I will attach some pictures of the present system and the recommend system. Pictures 1 and 2 show the present system. Pictures 3 and 4 show a recommended system

If there are any questions please feel free to call the District's office.

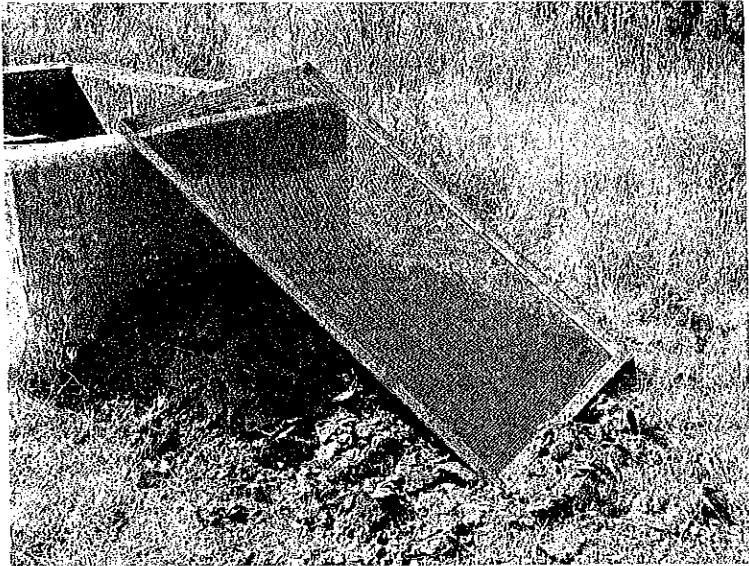
Sincerely,



John Crowley

Manager, Bitter Root Irrigation District

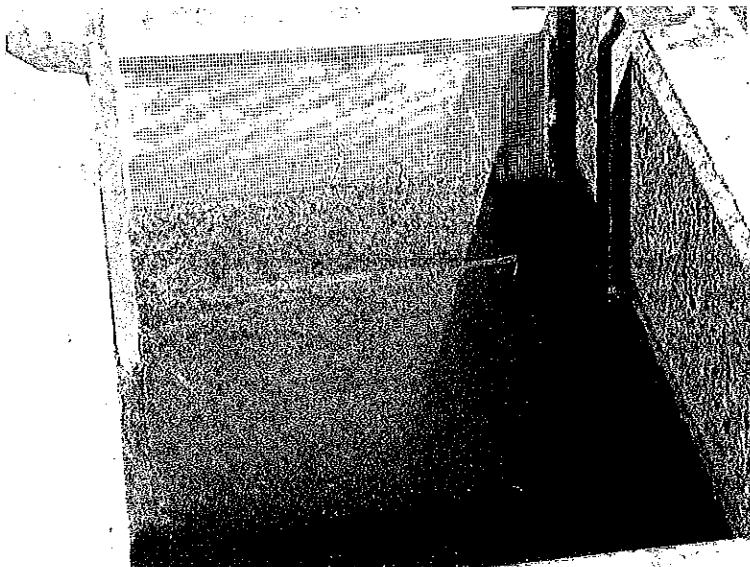
EXHIBIT A-3



File Name	: Meldrum's present system (notice debris from 2008 irrig
Shooting Mode	: Auto
Tv (Shutter Speed)	: 1/400
Av (Aperture Value)	: 4.0
Exposure Compensation	: 0
ISO Speed	: 80(Auto)
Focal Length	: 7.3 mm
White Balance	: Auto

Picture 1  
present system

Notice debris from 2008 Irrigation Season



File Name	: Meldrum's cleaning system (Notice build up of algae on
Shooting Mode	: Auto
Tv (Shutter Speed)	: 1/200
Av (Aperture Value)	: 4.0
Exposure Compensation	: 0
ISO Speed	: 80(Auto)
Focal Length	: 12.9 mm
White Balance	: Auto

Picture 2  
Present system

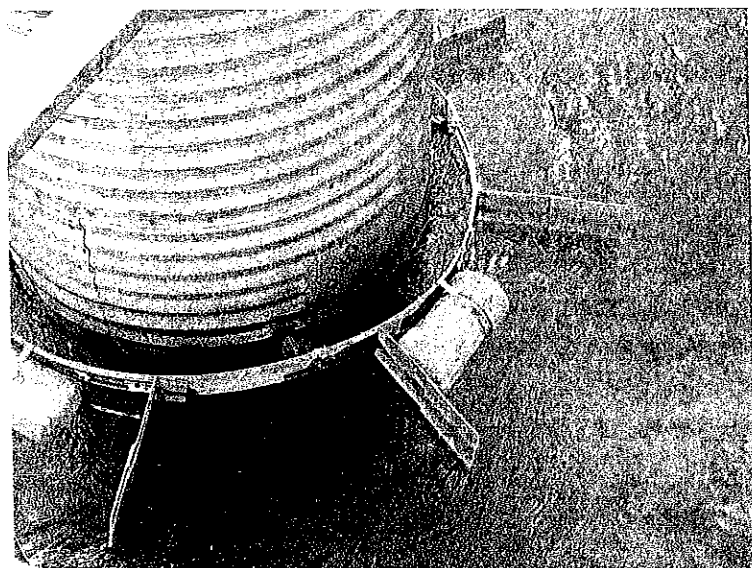
Notice build up of Algae on cleaning screen.



picture 3

recommended system

File Name	: Recommended cleaning s-
	ystem .JPG
Shooting Mode	: Auto
Tv (Shutter Speed)	: 1/500
Av (Aperture Value)	: 4.0
Exposure Compensation	: 0
ISO Speed	: 80(Auto)
Focal Length	: 8.6 mm
White Balance	: Auto



Picture 4

recommended system

File Name	: Close up of recommended
	system.JPG
Shooting Mode	: Auto
Tv (Shutter Speed)	: 1/125
Av (Aperture Value)	: 4.0
Exposure Compensation	: 0
ISO Speed	: 80(Auto)
Focal Length	: 8.6 mm
White Balance	: Auto

**RECEIVED**

JUN 02 2008  
160806-715  
Ravalli County Planning Dept.



CORVALLIS RURAL FIRE DISTRICT  
PO BOX 13  
CORVALLIS, MT 59828  
(406) 961-4432

May 29, 2008

Planning Department  
215 South 4<sup>th</sup> Street; Suite F  
Hamilton, MT 59840

Re: Corvallis Rural Fire District/Subdivision Fees

To Whom It May Concern:

Enclosed please find a copy of our Resolution No. 08-04. After review of our actual expenses for hydrants, water tenders, and water supplies since inception of the subdivision fees, we have determined that we have spent over \$900.00 a lot for water supply. The Corvallis Rural Fire District has adopted Resolution 08-04 effective immediately and asks that you please change your documentation requesting \$500.00 a lot to \$900.00 a lot in lieu of a water source.

Thank you,

A handwritten signature in black ink, appearing to read "James B. Knapp".

Chief James Knapp  
Corvallis Rural Fire District  
(406) 360-4371

**EXHIBIT A-4**



CORVALLIS RURAL FIRE DISTRICT  
PO BOX 13  
CORVALLIS, MT 59828

RESOLUTION # 08-04

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE CORVALLIS RURAL FIRE DISTRICT RELATING TO INCREASING SUBDIVISION FEES FOR WATER SUPPLIES:

WHEREAS, the district has imposed a fee for subdivisions without water systems so the district is able to purchase water carrying firefighting apparatus or develop water supplies; and,

WHEREAS, when establishing the requirements, emphasis was given to the Uniform Fire code, Articles 9 and 10, and Appendix III-S, the Ravalli County Subdivision Regulations, the Ravalli County Road Department standards, and the 1993 Fire Protection Guidelines for Wildland Residential Interface Development; and,

WHEREAS, in order for the Corvallis Rural Fire District to be properly equipped to protect life and property of the residents of the district, as well as the personnel who are called upon to protect the district, and to mitigate harm to the public health and environment; and


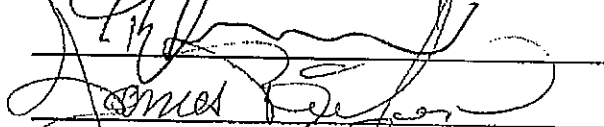

WHEREAS, the district has tracked expenditures for water carrying firefighting apparatus and developing water supply and feels the current subdivision fee is not adequate.

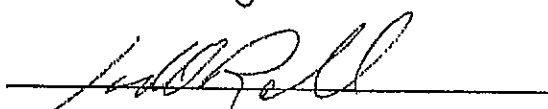

THEREFOR BE IT RESOLVED BY THE BOARD OF TRUSTEES THAT:

The Corvallis Rural Fire District has raised the required subdivision fee to \$900.00 per lot effective immediately.

PASSED AND APPROVED THIS 21<sup>st</sup> DAY OF May, 2008.

BOARD MEMBER SIGNATURES



CORVALLIS RURAL FIRE DISTRICT  
PO BOX 13  
CORVALLIS, MT 59828  
(406) 961-4432

June 18, 2008

Planning Department/Ravalli County Commissioners  
215 South 4<sup>th</sup> Street; Suite F  
Hamilton, MT 59840

Via E-mail

Re: Corvallis Rural Fire District/Subdivision Fees

Carlotta Grandstaff,

Enclosed please find a copy of the spreadsheet we used to analyze our water expenses since the inception of subdivision fees. As you know, these fees are in lieu of water. Our analysis shows actual expenses and revenues which would back-up the increase in our fee.

The Corvallis Rural Fire District future plans entail creating 5 new fill sites and purchasing 2 more water tenders. Each site will cost \$35,000.00 - \$40,000.00, and each water tender will be in the \$150,000.00 range. If we accomplish these goals in the next 10 years, it would take over 500 lots at \$900 a lot to help pay for this.

The Corvallis Rural Fire District is committed to being consistent with the standards for development county wide, but financial impact will vary from one district to another and each district needs to determine what their per lot fee needs to be. One thing unique to Corvallis is that the Corvallis Rural Fire District owns and maintains our own hydrant system for the town. This increase in fee will be for our district only.

If this fee is more money than developers are willing to pay, we are always willing to accept the developer installing a water system that meets the water supply requirements per NFPA 1, Chapter 18.

Hopefully this takes care of any questions you may have.

Thank you,

Chief James Knapp  
Corvallis Rural Fire District  
(406) 360-4371

CORVALLIS RURAL FIRE DISTRICT  
SUBDIVISION FEES ANALYSIS

SUBDIVISION REVENUES 2004 - 5/7/08	\$ 80,000.00	# LOTS 160
------------------------------------	--------------	---------------

EXPENSES TOWARDS WATER:	AMOUNT	DATE	DESCRIPTON
GASVODA CONSTRUCTION	\$ 4,593.24	2004	HYDRANT EXPANSION
HYDRANT REPAIR	\$ 4,195.00	2006	HYDRANT REPAIR
PAYMENTS ON 5020 2004 - PAYOFF	\$ 101,967.39		KENWORTH 2003 (WATER TENDER)
FILL SITE - STATION 2	\$ 34,866.34	2006-2007	FILL SITE STATION 2
TOTAL EXPENDITURES	\$ 145,621.97		
PER LOT EXPENSE	\$ 910.14		

FUTURE WATER EXPENSES:	
FILL SITES	\$ 200,000.00 (5 @ \$40,000.00)
APPARATUS (WATER TENDERS)	\$ 300,000.00 (2 @ \$150,000)
TOTAL FUTURE EXPENSES	\$ 500,000.00

# OF LOTS AT \$900.00/LOT	556
---------------------------	-----

USE for all  
districts.

RECEIVED

SEP 13 2005

**H**amilton  
Rural Fire  
DISTRICT

Consensus of All Valley Fire  
Counci.

Ravalli County Planning Dept.

TC-05-09-1707

Post Office Box 1994 Hamilton, MT 59840

## FIRE PROTECTION STANDARDS

The following Fire Protection Standards were adopted on September 6, 2005.

The Hamilton Rural Fire District has established the Fire Protection Standards for proposed new subdivisions within the district. The requirements were established with consideration for the life and safety of the residents of the district, as well as the volunteer firemen who protect the district, and to mitigate possible harm to the general public.

In establishing the requirements, emphasis was given to the NFPA 1, Chapter 18, The Ravalli County Subdivision Regulations, The Ravalli County Road Department Standards, and the 1993 Fire Protection Guidelines for Wildland Residential Interface Development. These Publications and Articles establish rules for dealing with fire apparatus access roads, fire department access to buildings, water supplies for fire protection, installation and maintenance of fire - protection systems and clearance of brush and vegetative growth from roadways.

Consideration was also given to Section 23.7.105 Administrative Rules of Montana, which is adopted pursuant to authority of 50-3-102 (2) and 50-3-103, MCA, which incorporates by reference the NFPA 1, Chapter 18, and establishes a minimum fire prevention code for Montana.

Every effort has been made to use words and phrases consistent with the definitions given in the above-mentioned publications.

### ACCESS ROADS

The Fire District requires that all roads and bridges meet or exceed, and are maintained to, the requirements of the NFPA 1, Chapter 18, which reads in part:

**18.2.2.3.1 Required Access.** Fire Apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet (45720-mm) from fire apparatus access as measured by an approved route around the exterior of the building or facility.

**EXHIBIT A-5**

**18.2.2.5.1 Dimensions.** Fire apparatus access roads shall have an unobstructed travel surface not less than 22-feet in width, which may included a two foot shoulder on each side of an 18-foot wide travel surface, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

**18.2.2.5.2 Surface.** Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.

**18.2.2.5.6 Grade.** The gradient for a fire apparatus access road shall not exceed the maximum approved by the fire chief. The Chief accepts the Resolution approved by the Board of County Commissioners of Ravalli County which sets the maximum acceptable road grade at ten percent (10%).

**EXCEPTIONS: 1.** When buildings are completely protected with an approved automatic sprinkler system, the provisions of NFPA 1, Chapter 18, may be modified by the Fire Chief.

**While not all parts of the NFPA 1 are listed above it is the responsibility of the Subdivision Developer to construct and maintain all fire apparatus access roads to comply with all aspects of the NFPA 1 and Ravalli County Standards.**

**SPECIFIC REQUIREMENTS:**

The Fire District requests that all lots (premises) meet the requirements of NFPA 1, Section 18.2.2.5.7 as soon as construction begins with a temporary or permanent address posted at the premises driveway and upon occupancy with a permanent address posted in accordance with the above NFPA 1.

**BUILDING STANDARDS**

The Fire District will request that all buildings be built to IRBC codes in order to protect persons and property, and that all subdivisions shall be planned, designed, constructed and maintained so as to minimize the risk of fire and to permit effective and efficient suppression of fires.

**WATER SUPPLY**

The water supply required by the NFPA 1 for one or two family dwellings, not exceeding 3,600 square feet, requires a flow rate of 1,000 G.P.M. The code does not specify the duration of flow for one and two family dwellings, however the Fire Protection Guidelines for Wildland Residential Interface Development and the Ravalli County Subdivision Regulations list the minimum water supply of 2,500 gallons per lot, or 1,000 gallons per minute flow from municipal water systems.

In order to obtain and maintain a Class 5 ISO rating, the Hamilton Volunteer Fire Department is required to flow 500 gallons and maintain this flow for 120 minutes. By ISO standards this is usually sufficient to protect single-family dwellings with adequate spacing between structures. ISO uses the following flow rates, from their *Guide for Determination of Needed Fire Flow*, Chapter 7, when considering adequate coverage for density:

Distance Between Buildings	Needed Fire Flow
More than 100'	500 gpm
31 - 100'	750 gpm
11 - 30'	1,000 gpm
10' or less	1,500 gpm

The Hamilton Rural Fire District will use these fire flows for all subdivisions of single-family dwellings with less than 10 lots. All developments of single-family dwellings with 10 or more lots require a minimum of 1,000 gallons per minute. All commercial, industrial, or multi-family dwellings requiring higher fire flows will have to be engineered by the developer to determine needed fire flows.

Any development in the rural area, with density requiring more than the 500 gallons per minute being supplied by the Hamilton Volunteer Fire Department, will be requested to supply the difference. The water supply installation, upkeep and maintenance will be the responsibility of the Subdivision, pursuant to NFPA 1, Section 18.3.5.

The Fire District realizes the financial burden of installing and maintaining a water supply and or storage tanks capable of providing the required water flows and is willing to accept a voluntary contribution payment of \$500.00 (Five Hundred Dollars) per lot, in lieu of the water supply required by the NFPA 1. Payment of \$500.00 per lot will be due upon approval of the subdivision. The Fire District will use funds paid in lieu of the water supply required by the NFPA 1 to maintain or improve fire protection within the district, for the development of water supplies, or capital improvements.

**EXCEPTIONS: 1.** When all buildings in the subdivision are completely protected with an approved automatic sprinkler system, the above listed water supply and in lieu of payment schedule may be reduced by 50% (fifty percent). The Subdivision Covenants must state that "All residences constructed within the subdivision will be protected with an approved automatic sprinkler system." Payment for the reduced amount of \$250.00 per lot will be accepted at the time the Subdivision is approved. If at any time any residence is built within the subdivision without an approved sprinkler system, all lots will be subject to an additional \$250.00 payment, regardless of whether they have sprinklers in residences located on them or not.

**Corvallis School District #1**

P.O. Box 700 / 1045 Main  
Corvallis, MT 59828

Phone: (406) 961-4211 Fax: (406) 961-5144

**RECEIVED**

MAR 02 2009

IC-09-03-152 a  
Ravalli County Planning Dept.

**Daniel B. Sybrant**  
Superintendent  
961-4211

**Trevor Laboski**  
Principal  
High School  
961-3201

**Jason Wirt**  
Assistant Principal  
High School  
961-3201

**Rich Durgin**  
Principal  
Middle School  
961-3007

**Janice Stranahan**  
Principal  
Primary School  
961-3261

**Virginia Haines**  
Special Services  
Director  
961-3201

**Russ Hendrickson**  
Technology Director  
961-3201

**Wendy Ihde**  
Curriculum Director  
961-8772

**Vannesa Bargfrede**  
Business Manager  
District Clerk  
961-4211

February 18, 2009

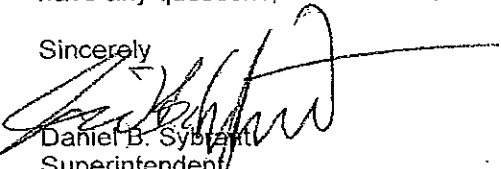
Ravalli County Commissioners  
215 S 4<sup>th</sup> Street Suite A  
Hamilton MT 59840

February 18, 2009

Dear Commissioners:

On February 17, 2009, the Corvallis School Board passed a motion requesting that Ravalli County institute a \$4,000 school impact fee for the Corvallis School District, with the full amount to initially be phased in over 5 years. Enclosed is the Impact Fee Study prepared by TischlerBise, which documents and quantifies the impact of new residential construction on the capital needs of the Corvallis School District. If you have any questions, don't hesitate to contact me at 961-4211.

Sincerely,



Daniel B. Sybrant  
Superintendent  
Corvallis School District

Cc Corvallis School Board  
Ravalli County Impact Fee Advisory Committee -- Attention John Meakin

## Budget Per Pupil/Tax Levy Per Pupil

Year 2007-2008

School	Total Budget	Students October Count	Budget Per Pupil
Corvallis	9,246,716	1,413	6,544
Stevensville Elem	4,313,675	615	7,014
Stevensville HS	3,844,872	426	9,026
Hamilton	10,696,135	1,616	6,619
Victor	2,354,712	349	6,747
Darby	3,918,507	435	9,008
Lone Rock Elem	2,010,732	301	6,680
Florence	6,004,225	898	6,686

NOTE: 1. This does not include any federal funds or budget for federal programs. This makes these figures reflect budget and revenue only from state, county and local sources.

School	Total Tax Except Capital	Students October Count	County & State Levy*	Tax Levy Per Pupil Exc Capital	Total Capital	Per Pupil Tax Capital	Total Tax Levy Inc Capital	Tax Levy Per Pupil Inc Capital
Corvallis	1,894,368	1,413	941,511	2,007	166,126	117.57	3,002,005	2,125
Stevensville Elem	1,077,017	615	412,448	2,422	120,541	196.00	1,610,006	2,618
Stevensville HS	818,794	426	329,287	2,695			1,148,081	2,695
Hamilton	2,714,396	1,616	1,050,013	2,329	909,210	562.63	4,673,619	2,892
Victor	468,192	349	202,861	1,923	297,013	851.04	968,066	2,774
Darby	1,022,738	435	371,211	3,204		0.00	1,393,949	3,204
Lone Rock Elem	432,039	301	223,920	2,179	102,211	339.57	758,170	2,519
Florence	1,234,419	898	776,153	2,239	24,542	27.33	2,035,114	2,266

NOTE: \* County levied Retirement and Transportation

RECEIVED

OCT 15 2007

IC-07-10-1305  
Ravalli County Planning Dept.



RECEIVED

OCT 15 2007

Ravalli County Commissioners

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October 15, 2007

James Rokosch, Chair  
Ravalli County Commissioners  
215 South 4<sup>th</sup> Street, Suite A  
Hamilton, MT 59840

Dear Commissioner Rokosch,

In the last meeting of the Ravalli County Educational Transportation Committee a discussion was held concerning the new sub-divisions in Ravalli County. There was a great concern for the safety of the children who attend Ravalli County schools and who live with the varying conditions in the variety of subdivisions in the county.

Therefore, the group unanimously adopted a resolution requesting the Commissioners establish a requirement that the developers of each subdivision establish a shelter at a bus stop and a possible turnout, or turn around if appropriate, at each subdivision entrance that is off the county owned and maintained road.

Sincerely,

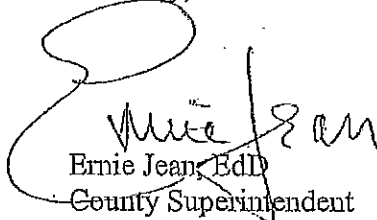
  
Ernie Jean, EdD  
County Superintendent

EXHIBIT A-8

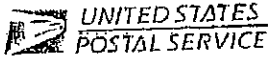
BIG SKY DISTRICT  
GROWTH MANAGEMENT

RECEIVED

JUN 11 2007

Ravalli County Planning Dept.

1C-07-06-729



June 8, 2007

To: County Planning Office  
Subject: Mail Delivery Options for New Subdivisions

The US Postal Service would like to partner with your county in preliminary planning for new subdivisions. We are looking for methods to ensure mail delivery is available to customers on day one of occupancy in a new development. We are asking for your help to make sure we have a consistent approach across the state. Developers have approached us suggesting that mail delivery plans/requirements be included with the original applications to the county for plat approval. We think this is a wonderful idea.

Would your county be able to incorporate the following US Postal Service requirements into your plat applications?

- Centralized Delivery is the method of delivery for all subdivisions and/or developments including commercial developments.
- Developers/owners should contact their local Post Office before making plans for the location of centralized delivery. Locations for Centralized Delivery installation are determined by the US Postal Service or by mutual agreement.
- The purchase of Collection Box Units (CBU's) is the responsibility of the developer or owner(s). A current list of authorized manufacturers is attached.
- The attached outlines concrete pad specifications for CBU placement.

We have had incredible success in other Montana counties by combining planning requirements into the initial plat applications and look forward to the continued success with your county. This process has made it much easier for developers, owners, and residents to quickly and easily obtain mail delivery.

Please contact me at 406-657-5710 or at the address below with any questions you may have in regards to new growth policies of the US Postal Service within our Big Sky District.

Sincerely,

Mike Wyrwas  
Growth Management Coordinator  
Big Sky District

841 S 26<sup>TH</sup> STREET  
BILLINGS, MT 59101-9334  
PHONE 406-657-5710  
FAX: 406-657-5788  
EMAIL MIKE.WYRWAS@USPS.GOV

EXHIBIT A-9

**Randy Fifrick**

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**From:** Wyrwas, Mike - Billings, MT [mike.wyrwas@usps.gov]  
**Sent:** Friday, June 29, 2007 9:26 AM  
**To:** Randy Fifrick  
**Subject:** RE: Mail Delivery Options for New Subdivisions

Randy:

We are on the same page in regards to mail delivery options for new subdivisions, with the following exceptions:

- 1) If a subdivision has less than eight (8) lots, centralized delivery may be required if the entrance to a subdivision is a private road or the local post office feels that a CBU is more efficient than a row of rural mail boxes.
- 3) CBU units do not have to be installed prior to final plat approval. They can be installed after final plat approval as long as the locations are approved by the local post office.

If situations do occur where your department does not review some building projects, please direct any questions regarding mail delivery to the local Postmaster.

Thanks for your attention to our mail delivery options.

Mike Wyrwas  
Operations Programs Support

-----Original Message-----

**From:** Randy Fifrick [mailto:rfifrick@ravallicounty.mt.gov]  
**Sent:** Tuesday, June 26, 2007 8:59 AM  
**To:** Wyrwas, Mike - Billings, MT  
**Subject:** Mail Delivery Options for New Subdivisions

Hi Mike,

I discussed our conversation on June 26th and your letter dated June 8th with the rest of the Planning Department. I just wanted to confirm that we are on the same page as to the mail delivery options for new subdivisions. Following is a list of items the Planning Department should request or require from developers:

- 1) Centralized Delivery should be required for subdivisions of eight or more lots, including commercial subdivisions.
- 2) Developers/owners should submit plans for Collection Box Units (CBUs), including the locations, to their local post office. Locations for centralized delivery installation should be approved by the US Postal Service.
- 3) The purchase of the Collection Box Units (CBU's) is the responsibility of the developer or owner. The units should be installed by the developer prior to final plat approval.

Please be advised that certain situations do not require subdivision review so the projects never come through the Planning Department. Multi-unit commercial buildings constructed on one lot (strip mall, etc) do not require subdivision review if the units are structurally attached and will be rented/lease (not sold as condominiums).

6/29/2007

**Tristan Riddell**

**From:** Lea Jordan  
**Sent:** Tuesday, April 01, 2008 1:29 PM  
**To:** Karen Mahar; Karen Hughes; Renee Lemon  
**Subject:** FW: Updated PM2.5 Data Review  
**Attachments:** PM25\_NAAQS\_MT\_Review\_Mar\_2008.doc

Dear Interested Party:

The Montana Department of Environmental Quality (DEQ) has reviewed the PM2.5 (particulate matter  $\leq 2.5$  micron) data collected in 2007 and incorporated it into the PM2.5 dataset from the previous three years (2004-2006). As part of that analysis, DEQ identified several communities that continue to experience poor air quality during certain time periods each year. Those communities are located in the following counties: Lincoln, Missoula, Silver Bow, Ravalli, Gallatin, Lewis & Clark, Flathead, Sanders, Yellowstone and Cascade. Attached is a document summarizing some of the issues with the revised particulate matter (PM) National Ambient Air Quality Standards (NAAQS) and PM data for several Montana communities. This document is also available on the DEQ website under the What's New section of the Air Quality Information page (<http://deq.mt.gov/AirQuality/AQinfo.asp>).

As required by the Federal Clean Air Act and based on ambient air monitoring data collected in 2004, 2005 and 2006, DEQ in December 2007 notified EPA as to which Montana communities were not complying with the PM NAAQS. EPA will review Montana's submittal and our latest air monitoring data as it becomes available before making a decision on which communities are in violation of the federal standards. In the future for those Montana communities found in violation of any NAAQS, federally enforceable control plans must be submitted to EPA for their approval. In a proactive attempt, DEQ wants to work with local air pollution control agencies, the regulated community, and other interested parties to identify and control sources of particulate matter air pollution. DEQ representatives are willing to meet with interested parties in their communities at mutually agreed upon dates and times. In addition to the PM NAAQS discussion, other air quality topics of interest could be discussed. If interested, please contact myself or Bob Habeck ([bhabeck@mt.gov](mailto:bhabeck@mt.gov) or 444-7305) to schedule a meeting.

As part of the annual air quality data review process, DEQ will hold a public meeting to discuss the future direction of Montana's ambient air monitoring network. That meeting will be held on Wednesday, 19 March 2008 from 8:30 A.M. to 12:30 P.M. The meeting location is the Middle Commission Room in the Fish, Wildlife & Parks building at the 1420 East 6th Avenue in Helena. If you need further directions or other information, please contact me.

Thank you for your interest in protecting Montana's clean air resource.

Robert K. Jeffrey  
 Air Quality Specialist  
 Air Resources Management Bureau  
 MT Dept. of Environmental Quality  
 (406) 444-5280; fax 444-1499  
 Email: [rjeffrey@mt.gov](mailto:rjeffrey@mt.gov)

SUBDIVISION APPLICATION PACKET CHECKLIST - Water and Sanitation information Per MCA 76-3-622

Name of Subdivision: *BITTERROOT VIEWS #*

Subdivider/Landowner Name(s):

Consultant Name: *RAM*

Date Received:

Sufficiency Review Due Date:

Yes	No	N/A	Item	Additional Information/Staff comments
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(1) Unless the land division is excluded from review under 76-4-125(2), the subdivider shall submit to the information listed below for proposed subdivisions that will include new water supply or wastewater facilities.

			Provide two copies of the following information with a check paid to RCEHD for their \$50.00 sufficiency review fee.	
			(a) Vicinity Map or Plan	
			(i) The location, within 100 feet outside of the exterior property line of the subdivision and on the proposed lots, of:	
			(A) flood plains	
			(B) surface water features	
			(C) springs	
			(D) irrigation ditches	
			(E) existing, previously approved, and, for parcels less than 20 acres, proposed water wells and wastewater treatment systems	
			(F) for parcels less than 20 acres, mixing zones identified as provided in subsection (1)(g);	
			(G) the representative drainfield site used for the soil profile description as required under subsection (1)(d)	
			(ii) The location, within 500 feet outside of the exterior property line of the subdivision, of public water and sewer facilities	
			(b) A description of the proposed subdivision's water supply systems, storm water systems, solid waste disposal systems, and wastewater treatment systems, including whether the water supply and wastewater treatment systems are individual, shared, multiple user, or public as those systems are defined in rules published by DEQ.	
			(c) A drawing of the conceptual lot layout at a scale no smaller than 1" = 200' that shows all information required for a lot layout document in rules adopted by the DEQ pursuant to 76-4-104.	

RECEIVED

JAN 30 2008  
11:00 AM

Yes	No	N/A	Item	Additional Information/Staff comments
			(d) Evidence of suitability for new onsite wastewater treatment systems that, at a minimum, includes:	
			(i) A soil profile description from a representative drainfield site identified on the vicinity map, as provided in subsection (1)(a)(i)(G), that complies with standards published by DEQ.	
			(ii) Demonstration that the soil profile contains a minimum of 4 feet of vertical separation distance between the bottom of the permeable surface of the proposed wastewater treatment system and a limiting layer.	
			(iii) In cases in which the soil profile or other information indicates that ground water is within 7 feet of the natural ground surface, evidence that the ground water will not exceed the minimum vertical separation distance provided in subsection (1)(d)(ii);	
			(e) For new water supply systems, unless cisterns are proposed, evidence of adequate water availability:	
			(i) obtained from well logs or testing of onsite or nearby wells;	
			(ii) obtained from information contained in published hydrogeological reports; <u>OR</u>	
			(iii) as otherwise specified by rules adopted by DEQ pursuant to 76-4-104;	
			(f) Evidence of sufficient water quality in accordance with rules adopted by DEQ pursuant to 76-4-104;	
			(g) A preliminary analysis of potential impacts to ground water quality from new wastewater treatment systems, using as guidance rules adopted by the board of environmental review pursuant to 75-5-301 and 75-5-303 related to standard mixing zones for ground water, source specific mixing zones, and nonsignificant changes in water quality.	The preliminary analysis may be based on currently available information and must consider the effects of overlapping mixing zones from proposed and existing wastewater treatment systems within and directly adjacent to the subdivision. Instead of performing the preliminary analysis required under this subsection (1)(g), the subdivider may perform a complete nondegradation analysis in the same manner as is required for an application that is reviewed under Title 76, chapter 4.





## **Montana Fish, Wildlife & Parks**

Region 2 Office  
3201 Spurgin Road  
Missoula, MT 59804-3099  
406-542-5500  
Fax 406-542-5529  
October 9, 2008

Tristan Riddell  
Ravalli Co. Planning Department  
215 S. 4<sup>th</sup> St., Ste. F  
Hamilton, MT 59840

Reference: Bitterroot Views II (Meldrum Development)--Proposed minor subdivision (5 lots on 25.0 acres; NE4 Sec 22, T6N, R20W), ~3 miles ENE of Hamilton

Dear Mr. Riddell:

We have reviewed the preliminary(?) plat for this proposed subdivision. We also reviewed this parcel and its surrounds on the Montana Cadastral website (<http://gis.mt.gov/>) and the US Geological Survey topographic map for this locale. Based on reviewing this information and our field knowledge of this location, we note and recommend the following:

1. This subdivision is located in a rural area, and a side channel of Cow Creek flows southeast to northwest through the designated Common Area; agricultural and other open lands are nearby. We believe there is an elevated probability of human/wildlife interactions at this location. In particular, wildlife such as white-tailed deer, fox, skunk and magpie could be found in the area, as well as an occasional black bear and possible wolf or mountain lion. Numerous small mammal and bird species could also be found nearby. We recommend that "living with wildlife" issues be conveyed as part of the covenants to future homeowners in this subdivision, in order to help residents deal with and avoid potential wildlife problems. We have enclosed our recommended version of such covenants for this location.
2. We appreciate that Cow Creek is included in the Common Area, where it is more likely to be managed as a unit than if separate portions were owned by diverse owners, each potentially treating the creek and its buffer zones in a different way. In order to protect Cow Creek and its natural drainage function, we recommend the following:
  - a. Designate a 50-foot wide "no build/no alteration" buffer (NBNAB) outward from each high water mark of Cow, and that this NBNAB be labeled on the plat. No building or alteration would be allowed in this buffer zone. (Ideally, the buffer zones would be included in the Common Area, to avoid individual landowners from treating the buffer differently.)

**EXHIBIT A-12**

- b. Designate an additional 25-foot setback outward from the NBNAB, and designate and label this on the plat. Normal activities--except construction of permanent structures--would be allowed within this setback.
- c. Riparian-use covenants should be required to guide use of the creek and its associated riparian areas, buffers and setbacks, in order to preserve functionality of this natural stream, and for protection of properties from eroding banks and possible flooding. We have enclosed a recommended version for this location.

Thank you for providing the opportunity for FWP to comment on this subdivision.

Sincerely,

*/s/ Mack Long*

Mack Long  
Regional Supervisor

ML/sr

Recommended Covenants for Bitterroot Views 2 (Meldrum Development) minor subdivision, suggested by Montana Fish, Wildlife & Park; Missoula; October 9, 2008

## Section \_\_: **Wildlife**

Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the presence of wildlife such as white-tailed deer, black bear, mountain lion, coyote, fox, skunk, raccoon, and magpie. Please contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners “live with wildlife.” Alternatively, see FWP’s web site at [www.fwp.mt.gov](http://www.fwp.mt.gov).

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. Homeowners must be aware of the potential for **vegetation damage by wildlife**, particularly from deer feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b. **Gardens, fruit trees** or orchards can attract wildlife such as bear and deer. Keep produce and fruit picked and off the ground, because ripe or rotting fruit or organic material can attract bears, skunks and other wildlife. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. The top rail should be made of something other than wire to prevent wildlife from entanglement. Netting over gardens can help deter birds from eating berries. To keep wildlife such as bears out of gardens and/or away from fruit trees, use properly constructed electric fences and maintain these constantly. (Contact FWP for information on “all-species electric fencing” designed to exclude wildlife from gardens and/or home areas.)
- c. **Garbage** must be stored in secure animal-resistant containers or indoors to avoid attracting animals such as raccoon, black bear, and other wildlife. If stored indoors, it is best not to set garbage cans out until the morning of garbage pickup; bring cans back indoors by the end of the day.
- d. **Do not feed wildlife** or offer supplements (including salt blocks), attractants, or bait for deer, sheep or other wildlife, including during the winter. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in “an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety.” Also, homeowners must be aware that deer can attract mountain lions to the area.

- e. Bears can be attracted to food smells associated with **outdoor food storage**; therefore, freezers and refrigerators should not be placed outdoors on porches or in open garages or buildings. If a freezer/ refrigerator must be located outdoors, attempt to secure it against potential bear entry by using a stout chain and padlock around the girth of the freezer.
- f. **Birdseed** in bird feeders attracts bears. If used, bird feeders must: 1) be suspended a minimum of 20 feet above ground level, 2) be at least 4 feet from any support poles or points, and 3) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- g. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the direct control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Keeping pets confined also helps protect them from predatory wildlife. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124).
- h. **Pet food and livestock feed** must be stored indoors, in closed sheds or in bear-resistant containers in order to avoid attracting wildlife such bears, mountain lion, skunk, and raccoon. **When feeding pets and livestock**, do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.
- i. **Barbecue grills** should be stored indoors. Permanent outdoor barbecues grills are not allowed in this subdivision. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife. (Due to the potential hazard of fire and explosion, propane cylinders for gas-fueled grills should be disconnected and kept outdoors. Under no circumstances should propane cylinders be stored indoors.)
- j. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail) and no lower than 18 inches (at the bottom rail) in order to facilitate wildlife movement. Barbed wire fences are not allowed in this subdivision, and this should avoid animals such as deer and/or elk becoming entangled in the wire or injuring themselves when trying to jump the fence.
- k. **Compost piles** can attract skunks and bears. If used they should be kept in wildlife-resistant containers or structures. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Due to the potential fire hazard associated with decomposition of organic materials, compost piles should be kept at least 10 feet from structures.)
- l. **Apiaries (bee hives)** could attract bears in this area. (If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.)
- m. These wildlife covenants cannot be changed or eliminated without the concurrence of the governing body (Ravalli County Commissioners).

## Section \_\_: Riparian use guidelines

Cow Creek runs southeast to northwest through the Common Area. On each side of this drainage is a 50-foot "*no-build/no alteration buffer*" zone (*NBNAB*), which is depicted on the plat. Within these buffer zones, no building or alteration is allowed. The purpose is to *encourage* the development of site-appropriate native vegetation (including shrubs and trees)--while *not allowing* actions such as building or grading; planting and irrigating lawns; or mowing, cutting or clearing vegetation. This would help preserve the functionality of this natural drainage, protect and improve wetland vegetation, enhance slope stability, and protect property from eroding banks and possible flooding.

Additionally, there is a 25-foot "no build" *setback* outward from the outer edge of each NBNAB, where building is not allowed.

The following covenants, designed to guide use of Cow Creek and its NBNAB buffer zones, shall apply:

- a. No new building or alteration is allowed in the zones.
- b. Only non-motorized access and use of the buffer zones is allowed (except for certain maintenance needs such as weed spraying).
- c. Do not cut or remove live or dead vegetation, particularly shrubs and trees from the buffer zones. Wood (i.e., fallen branches, downed trees) is an important part of habitat and contributes significantly to overall slope stability, and dead trees function as important wildlife nesting habitat. Exception: proper use of chemicals or other methods of control (other than mowing) for noxious weeds is allowed, and planting appropriate native riparian vegetation (trees, shrubs) is allowed.
- d. Do not plant lawns or crops in the buffer zones. Leave or plant native vegetation as ground cover as this avoids the use of fertilizers that contribute to water quality problems.
- e. If planting is planned for this area, the goal should be to re-establish native plant species appropriate to the site.
- f. In general, keep livestock out of the buffer zones, and do not include the drainage in corrals. Use fences to keep livestock from trampling and grazing riparian vegetation in the buffer zones.
- g. In summary, allow riparian areas--Cow Creek and its buffer zones--to remain undisturbed. Do not modify them unless such change would help return the area to a natural state.
- h. These riparian covenants cannot be altered or eliminated without consent of the governing body (Ravalli County Commissioners).

August 20, 2008

Re: Sensitive Species waiver, Bitterroot Views II Minor Subdivision

John-

I reviewed the Sensitive Species Waiver request prepared for the Bitterroot Views II Minor Subdivision on August 20, 2008. Montana Natural Heritage Program data indicated that the Townsend's Big-Eared Bat was the only sensitive species located within the section of the proposed development. The waiver request states that the subject property does not provide suitable habitat for the aforementioned species.

Based on the lack of suitable habitat for the listed species, I would recommend granting of the waiver request.

Please find attached the waiver request from Pioneer Surveying and the MNHP data and map.

Please review and provide comment.

Thank you-

A handwritten signature in black ink, appearing to be 'Tristan', written in a cursive style.

Tristan

# Sensitive Species Waiver Request for Bitterroot Views II Minor Subdivision

***Name of Species:*** *Corynorhinus townsendii* (*Townsend's Big-Eared Bat*)

***Description Habitat:*** The preferred habitat of Townsend's Big-eared Bat includes rocky outcrops, caves or abandoned mine tunnels. They may also inhabit old buildings, forests and woodland. Because they do not migrate, the winter months are spent in hibernation when temperatures are between 0° C and 11.5° C. Townsend's big-eared bats are very sensitive to human disturbance and will abandon their habitat.

***Description of Parcel:*** Currently on the parcel of property there is no evidence of caves, mines or rocky outcrops which would seem suitable for Townsend's big-eared bats. Located near Frost Lane are two trees in which may be possible for inhabitation, however, due to Townsend's big-eared bats sensitivity to humans and disturbance, it is highly unlikely that this has been a past or future roost location.

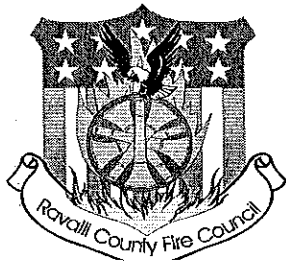
***Probability and mitigation of impact:*** With reference to the above description, the probability of harming, altering or affecting the existing habitat of the Townsend's big-eared bats is slim to none.

***References:***

<http://wildlife.state.co.us/wildlifespecies/profile/mammals/batsofcolorado/townsendbigeardbat>

<http://www.fs.fed.us/ipnf/eco/yourforset/wildlife/tbat/>

<http://www.nsr1.ttu.edu/tmot1/plectown.htm>



RAVALLI COUNTY FIRE COUNCIL  
PO BOX 410267  
PINESDALE, MT 59841

September 25, 2008

Ravalli County Planning Dept.  
C/O John Lavey, Tristen Riddell  
215 South 4<sup>th</sup> Street, Suite "F"  
Hamilton, Montana 59840

Dear John and Tristen,

Please consider this letter as a directive from the Ravalli County Fire Council as to our interpretation of the road standards to be used for all fire districts within Ravalli County.

It is our interpretation that the standard road width will be 20 feet of road surface, with a minimum of 1-foot shoulders, which shall be designed and maintained to support the imposed loads of fire apparatus. The primary reasoning behind our decision is at an incident; on-coming fire trucks can safely pass each other without going on the shoulder of the road. We understand that the current subdivision regulations in Ravalli County only provide for an 18-foot surface, so we are requesting that this letter act as an amendment to such regulation until such time that the subdivision regulations of Ravalli County can be changed to meet the needs of the fire districts of Ravalli County.

Thank you for your timely consideration of this request. Any questions relating to this matter can be directed to myself, as Fire Warden, at 363-1231.

Sincerely,

Ronald J. Ehli  
Ravalli County Fire Warden

**EXHIBIT A-14**

March 4, 2009

RECEIVED

MAR 06 2009

Ravalli County Planning Dept.

Planning Department  
Attn: Tristan Riddell  
215 South 4<sup>th</sup> Street: Ste F  
Hamilton, MT 59840

RE: Comment on Bitterroot Views II Minor Subdivision OG-09-02-99

We have received the notice of this minor subdivision which adjoins our property on the south side. We do have a few issues that we would like to comment on and would like to have a clear resolution to them prior to the approval of this subdivision.

It is not our intention to stop the development of this subdivision. It is our intension to make sure our issues are addressed and in writing prior to the approval of this subdivision approval. In the first Bitterroot Views Subdivision we ended up having several negative experiences with the developer Rob & Susan Meldrum. These included a driveway, which was in existence, was not replaced when he developed the road Frost Lane. A main driveway that he tried to minimally replace. A fence along Frost Lane that was removed to widen the road, which was never replaced. We in good faith had allowed Mr Meldrum to remove hills on our property and to move the two seasonal ponds of water storage into a single pond (approved by the DNRC) which allowed him to construct Frost Lane with the fill off our property, resulting in a huge savings for him. While we were left to pay for the replacement of items Mr Meldrum should have replaced. It should be noted that we did pay the contractor to put the new pond in its current location.

**Frost Lane**

Mr Meldrum also informed us and the neighbors that he was going to chip seal Frost Lane two years after its completion. To date it has not been done. As a result, the beginning of Frost Lane (attached to Wilcox Lane) down towards Bitterroot Views I subdivision now has several long fractures. I am sure that you understand that with our winters of freezing and thawing a road in this condition, will deteriorate fairly fast. We were informed that the road was built to county standards and was tested after it was completed. But with the many fractures of the pavement it is only time before water seepage will undermine this roads condition.

With the still future development of several lots in Bitterroot Views I Subdivision and the new proposal of 5 additional lots, Frost Lane will be used quite heavily in the construction of a new road and many new homes. This will bring additional heavy usage on a road that is currently under maintained. We would like to see a condition to address Frost Lane from the Wilcox Lane to the entrance of the new subdivision that would keep the road from deteriorating. Pouring tar

in the fractures may not be enough to resolve this issue in light of the heavy trucks and equipment used in the development and building of homes. Chip sealing may be the best solution and would fulfill his original oral commitment to residents. Since the first Subdivision did not state a condition to chip seal as Mr Meldrum verbally stated he would and as he was in charge of and collected monies for the maintenance of the roads beginning with Frost Lane we are asking that the requested portion be completed. We understand that requiring anything beyond the new subdivision would not be considered.

### **BRID Irrigation Delivery System and Homeowners Association**

Bitterroot Views I Subdivision was also to have a Homeowners Association which was never formed, but is currently in the process. This Homeowners Association was to address the continual maintenance of the BRID Irrigation system and the roads beginning at Wilcox Lane (i.e. Frost Lane) thru this development. Due to this non-compliance of this condition of subdivision we have also experienced additional situations especially on the BRID irrigation system of which we are at the end of the line. The initial subdivision was supposed to maintain the head gate and keep the system clean. This never happened, I, Carl did all of the cleaning of the system. Mr Meldrum would state that he did it, but we would be up there almost every day during the time we were irrigating and it had not been cleaned between the day we were there and the day we returned to clean it. It must be noted that as Mr Meldrum was collecting the fees for the Bitterroot I's supposed "Homeowners Association" Carl was never compensated for the cleaning that Bitterroot Views I was responsible for. It is not currently a good system for keeping the water that passes thru clean, the screens are extremely heavy and it does not keep all the material from getting thru. I am informed that a new filtration/cleaning system is to be installed prior to the approval of this second subdivision.

Which comes to our major concern of this second subdivision. We are in the business of raising beef cattle and haying. We have had this business almost since we purchased this property, it supplements our Social Security and is necessary income. It is a viable business and we pay taxes on our business income. We have grave concerns that any development of this subdivision during our irrigating season will eliminate, or reduce, our access to water flow to our property during the irrigation season. Currently the BRID flows underground from the ditch, running south to north thru Bitterroot Views I Subdivision to the boundary of this second subdivision. At this point it runs above ground, continuing south to north thru the middle of this second subdivision to our property, where it continues to run above ground in the middle and ends up on the north end of our property, where the delivery ends. Mr Meldrum has recently informed us that he intends to bury the portion going thru the new subdivision underground.

If Mr Meldrum is allowed to install the new clean system at the ditch or starts construction of subdivision I that involves shutting down, or reducing our flow of water from this system, during the irrigation season it will severely impact our business and cause undue loss of income. We are requesting that any construction or potential reduction in water delivery to our parcel be completed prior to the beginning of the irrigation season or after the season is completed, per the BRIG's schedule of delivery.

We have had continual problems with the irrigation system with the initial subdivision over and above the cleaning of the system, mostly with one resident. When a parcel is subdivided it is allocated an X amount of acre feet that goes with the property. As seen in many subdivision, people are using the irrigation water to irrigate their lawns and may have a backup well to cover non BRID delivery dates. Which we do not do on our property, we have a separate well to do all the season delivery for our lawn and trees around our residences. We do not object the usages of lawn irrigation with the BRID System. But what has happen is that the residents were never informed on the amount that they are allowed on their property, and a system to calculate their individual usage. As there are many lots in the first subdivision currently not sold or developed there is "technically" extra water that is available to these residents. But once this new development is in existence and the first subdivision is developed, there will be extreme water issues. People who have developed their extensive watering system with BRID irrigation water to water their lawns will feel that the water, thought much over their allocation, is still theirs to use. The person that installed the initial BRID underground delivery system had informed us that Mr Meldrum was told and was responsible to make sure residents were well informed as to each of their usage and a way to monitor it if there was a problem. To date nothing has been done. We are concerned that as we do only irrigate for agriculture out of the BRID system we may have problems down the line as the new subdivision is on board and development in the first subdivision is complete. We would like to see some type of plan that can be enforced, when needed, to be included in the Homeowners Association or attached to the subdivision conditions. It would eliminate future lawsuits and would resolve those issues in advance.

An ideal system would be to have all residents install a meter. A meter is currently located where the line goes above ground from the first subdivision to the second. At minimum the meter should stay there. Mr Meldrum had informed us that he was going to move that existing meter to where the new subdivision line attaches to our property. If the new lots are not having a meter on each lot than a meter should remain between the 1<sup>st</sup> and 2<sup>ed</sup> subdivision. It would be an ideal goal that all lots be metered. As new lots are built and water is utilized the issue of water and how much people are allowed can be diverted.

### Other Concerns

Currently Mr Meldrum has removed the pre-existing residence and barns. He has removed most of the metal and garbage that was left by the prior owner. The prior owner did remove the underground storage tanks. We applaud them for the cleaning up and removal, off site, of those materials. We would like to make sure that the remaining materials, of old tires and a lot of cement, also be removed and not buried as it could lead to environmental issues later on.

In the first subdivision Mr Meldrum had a letter of credit which was posted as a condition of its final approval. He then applied to have it released prior to resolving residents issues with his developing process. During this time neighbors, including us, had issues with how Mr Meldrum left their driveways and culverts that were not replaced. The county realized that they never had the letter of credit "in house". Fortunately we were able to delay release until he resolved some of the issues. Mr. Meldrum was also allowed to start selling lots prior to meeting his conditions on the first subdivision. We are requesting that the process be consistent in that the conditions,

on this second subdivision, be completed and issues resolved before a final plat approval and sale of lots.

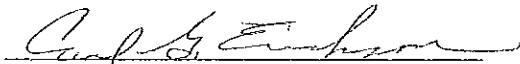
As we have experienced in the past we cannot depend on Mr Meldrums "word" that any of our issues would be addressed when the time came. We feel that these issues must be addressed in writing and resolved appropriately and connected to this current subdivision.

Part of our concerns is that Rob & Susan Meldrum have in the past few months lost one lot and an additional lot with a 7,000 square foot log home on it, in the Bitterroot Views I Subdivision, due to nonpayment of their mortgages, in which foreclosures have been completed on them. While we understand the sale of homes and lots are in a steep down turn in our valley, and have affected many, we would like to make sure that Mr & Mrs Meldrum, in good faith, meet all the conditions of this new subdivision with integrity and compliance.

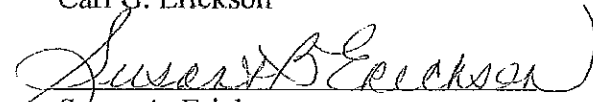
We hope that our concerns have been brought to light and that conditions of this subdivision are in writing and completed prior to any release of obligation of Mr & Mrs Meldrum. These issues should be part of doing business in Ravalli County and making a great outcome with existing residents in the forming of a new development.

We welcome the Planning Boards and Commissioners questions. As the first Subdivision fell under different Commissioners and Planning Staff members, we truly hope that we do not have to endure a reoccurrence of the first development issues.

Sincerely,



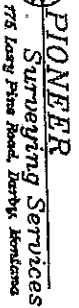
Carl G. Erickson

  
Susan A. Erickson

399 Frost Lane  
Corvallis, MT 59828  
406-961-3306

CC: Ravalli County Commissioners

Ms. Kathleen Driscoll  
Mr. Gregg Chilcott  
Mr. Jim Rokosch  
Ms. Carlotta Grandstaff  
Mr. J.R Iman

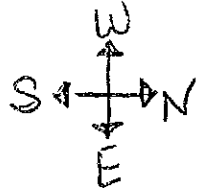


Our Bio delivery  
System: underground  
above ground

1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100
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**LEGEND**

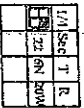
- ♣ 2nd Place Cup Winner
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- ♠ 99th Place Winner
- ♦ 100th Place Winner



25<sup>5</sup> acres

Owned by  
Carl & Susan  
Erickson

Bitterroot View  
I Sub-  
division  
95 #



FROST LANE

SUBDIVISION PLAT OF  
BITTERROOT VIEWS II  
OWNED BY MILDRED DEVELOPMENT, LLC

A SUBDIVISION LOCATED IN THE NORTHEAST QUARTER OF SECTION 22 TOWNSHIP 9 NORTH, RANGE 20 WEST, T1M, RAVALLI COUNTY, MONTANA

CERTIFICATE OF LANDGRABBER

4. [and] the underground property owners in heavily built-up urban areas tend to be more affluent, well-educated and placed in the 1st & 2nd of the following brackets of land in Beverly County, Minnesota:

A series of five studies in the Nevada desert, United States, were conducted to determine the effects of the following treatments on the growth of *S. rigida* and *S. elaeagnifolia* in 1980 and 1981: (1) no treatment; (2) 30 g/m<sup>2</sup> of straw mulch; (3) 30 g/m<sup>2</sup> of straw mulch and 30 g/m<sup>2</sup> of N; (4) 30 g/m<sup>2</sup> of straw mulch and 30 g/m<sup>2</sup> of P; (5) 30 g/m<sup>2</sup> of straw mulch and 30 g/m<sup>2</sup> of K; (6) 30 g/m<sup>2</sup> of straw mulch and 30 g/m<sup>2</sup> of N, P, and K; (7) 30 g/m<sup>2</sup> of straw mulch and 30 g/m<sup>2</sup> of N, P, and K, plus 30 g/m<sup>2</sup> of straw mulch; (8) 30 g/m<sup>2</sup> of straw mulch and 30 g/m<sup>2</sup> of N, P, and K, plus 30 g/m<sup>2</sup> of straw mulch and 30 g/m<sup>2</sup> of straw mulch. The results of the studies are presented in Table 1. The results of the studies are presented in Table 1. The results of the studies are presented in Table 1.

[illegible]

Robert Mudduz, Owner of Mudduzs Development, L.L.C., a Member Company in

Subsidiary and income tax-free for this day of 2011 pursuant to Reg. 1.1361-1(c)(2)(ii)(B). However, if the subsidiary is not a U.S. corporation, the income tax-free treatment will not apply.

NOTARY PUBLIC FOR THE STATE OF MONTANA

My community capital is \_\_\_\_\_

SECRET/NOFORN

The Board of Community Concerns, Office of Health Security, Minnesota, certifies that it has  
 examined this application and plot and found it to conform to law, and therefore approves  
 this  day of  2001.

Figure 1 consists of two vertically stacked line graphs. Both graphs plot the release of  $[^3\text{H}]\text{-GABA}$  (pmol/mg protein) on the y-axis against time (min) on the x-axis, ranging from 0 to 10 minutes. Each graph contains two data series: a control series represented by open circles and a diazepam-treated series represented by filled circles. In both graphs, the control series shows a relatively stable, low level of release over time. The diazepam-treated series shows a significantly higher release, starting around 2.5 pmol/mg protein at 0 minutes and increasing to approximately 4.5 pmol/mg protein by 10 minutes. The top graph has a y-axis scale from 0 to 6, while the bottom graph has a y-axis scale from 0 to 4. Both graphs include error bars representing standard error of the mean (SEM).

BITTERROOT VIEWS II SUBDIVISION  
RAVALLI COUNTY, MONTANA

RECEIVED

MAR 11 2009

IC-09-03-179  
Ravalli County Planning Dept.

March 13, 2009

Planning Dept.  
215 S 4<sup>th</sup> Str. Suite F  
Hamilton, MT 59840

Subject: Bitterroot Views: Minor Subdivision OG-09-02-99

The above subdivision is located just SW of our 10 acre lot on Frost Lane (388 Frost Lane). We purchased our home approx. 7 years ago. At the time of purchase we were concerned with possible future subdivisions of the land SW of us because of questionable road maintenance issues. The story at the time was that the developer had told the neighbors that he would be maintaining the road (Frost Lane). We assumed however incorrectly, that there must be some kind of contract in writing on the matter so went ahead with the purchase of our home.

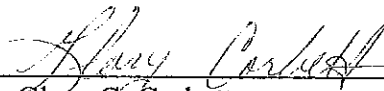
This past year or so we have noticed some ominous long cracks in the asphalt which will only get worse with the wear and tear it will endure if a whole subdivision goes in. Hundreds upon hundreds of heavy trucks hauling heavy loads of every kind will be using that one road as their only way of access. If this developer has not properly maintained the road as he has said that he would years ago by a special chip sealing procedure, then we want to make sure that he be held to some contract before continuing with the new subdivision. If not, then the road will deteriorate rapidly in the future with only empty promises to fix it.

Apparently the developer (Mr. Robert Meldrum) has had some extreme financial difficulties and had to foreclose on a huge log home and an additional lot (another subdivision of his just south of the above subject subdivision). All this spells future trouble for Frost Lane which is the only access road to both subdivisions as well as several private property owners.

We ask that the Planning Boards and Commissioners resolve this road maintenance issue in writing with the developer so that the users of Frost Lane can be assured that their access road will not be reduced to a cracked and deeply rutted mess after the heavy usage of a new development.



Ronald I Corbett  
388 Frost Lane  
Corvallis, MT 59828  
406-961-8866

  
Glory G Corbett

cc: RC Commissioners  
Gregg Chilcott  
Kathleen Driscoll  
J. R. Inman  
Jim Rokosch ✓  
Carlotta Grandstaff

EXHIBIT B-2